

REVISED  
ORDINANCES

OF THE

CITY OF DANVILLE,

ILLINOIS.

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PUBLISHED BY  
AUTHORITY OF THE CITY COUNCIL.

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Revised and Arranged by  
E. R. E. KIMBROUGH and W. J. CALHOUN.

*C. M. Woodbury.*

*4/28/93.*

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# CITIES AND VILLAGES.

## AN ACT

TO PROVIDE FOR THE INCORPORATION OF CITIES AND VILLAGES.

In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows—*

## ARTICLE I.

### OF THE ORGANIZATION OF CITIES.

#### SECTION.

1. How city may adopt this act.
2. Notice of election.
3. The ballots ; result.
4. How towns may become cities.
5. Organizing a city—petition—election—result.
6. Courts to take judicial notice of organization, etc.
7. Election of officers.
8. When county judge to give notice of election, etc.
9. Term of first officers.
10. Corporate name—powers.
11. Prior ordinances, etc., in force until, etc.
12. Rights, etc., of old corporations to vest in new.
13. Record of result of election.
- 13a. Abolishes city register's office.

1. HOW CITIES MAY INCORPORATE. § 1. That any city now existing in this State may become incorporated, under this act, in manner following: Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act, to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question to a vote of the electors of said city at the next ensuing municipal election of such city, or

on the third Tuesday of April, as provided for in Article IV (4) of said act, for holding municipal elections: *Provided*, there shall be sufficient time intervening to give the notice required by law. [As amended by act approved June 17, 1887.]

**2. NOTICE OF ELECTION.** § 2. The mayor of such city shall give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

**3. THE BALLOT—RESULT.** § 3. The ballots to be used at such election shall be in the following form: "For city organization under general law"; or, "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

**4. HOW TOWNS MAY BECOME CITIES.** § 4. Any incorporated town or village, in this state, having a population of not less than one thousand (1,000) inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the mayor and council of cities. [As amended by act approved May 25, 1877.]

**5. ORGANIZING A CITY—PETITION—ELECTION—RESULT.** § 5. Whenever any area of contiguous territory in this State, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the county court, of the county in which such inhabitants reside, a petition addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, than the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants

residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: *Provided*, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he may call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition. [See § 175.]

**6. COURTS TO TAKE JUDICIAL NOTICE OF ORGANIZATION, ETC.** § 6. All courts in this State shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act; and from the time of such organization, or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or parts of laws, not inconsistent with the provisions of this act, shall continue in force and applicable to any such city or village, the same as if such change of organization had not taken place.

**7. ELECTION OF OFFICERS.** § 7. It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket.

**8. WHEN COUNTY JUDGE TO GIVE NOTICE OF ELECTION, ETC.** § 8. In case of cities organizing under Section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace. [See § 52.]

**9. TERM OF FIRST OFFICERS.** § 9. The city officers elected under either of the preceding sections, shall hold the irrespective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

**10. CORPORATE NAME — POWERS.** § 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred.

**11. PRIOR ORDINANCES, ETC., IN FORCE UNTIL, ETC.** § 11. All ordinances, resolutions and by-laws in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

**12. RIGHTS, ETC., OF OLD CORPORATIONS TO VEST IN NEW.** § 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act; but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind shall be affected by such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided and used accordingly.

**13. RECORD OF THE RESULT OF ELECTION.** § 13. The corporate authorities of any city or village which may become



organized under this act shall, within three months after organization hereunder, cause to be filed in the office of the recorder of deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village or county court, of the canvass of the votes, showing the result of such election, whereby such city or village became so organized—and such recorder of deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the Secretary of State, who shall file the same, and keep a a registry of cities and villages organized under this act.

**13a. CITY REGISTER'S OFFICE ABOLISHED.** § 14. If any city organized or which may hereafter organize under this act, shall have had by the terms and provisions of its special charter a city register's office or other office in which deeds, mortgages or other instruments were required or authorized by law to be recorded in lieu of recording the same in the recorder's office in the county where said city was situated, such city register's office or recorder's office shall be discontinued under this act, and the city register or recorder or other officer having the custody of the records, books and papers pertaining to such city register or recorder's office, shall deposit such records and books, and papers in the office of the recorder of deeds of the county, in which such city is situated, and shall take the receipt of the recorder of deeds therefor, and such records, and books, and papers, shall from thereafter, be deemed and held for all purposes a part of the records of the recorder's office of such county, and shall have like legal effect as if the same had been originally a part of the records of such county recorder's office for all purposes whatsoever, and the same or certified transcripts made therefrom, shall have like force and effect as evidence as other records of said recorder's office. [As amended by act approved May 15, 1879. In force July 1, 1879.]

## ARTICLE II.

## OF THE MAYOR.

## SECTION.

1. Mayor—his qualifications.
2. Vacancy one year or more.
3. Vacancy less than year.
4. Mayor *pro tem*.
5. Vacancy by removal from city.
6. Mayor to preside—casting vote.
7. When he may remove officers.
8. His powers to keep peace.
9. Release of prisoners.
10. General duties.
11. To examine records, etc.
12. Messages to council.
13. To call out militia, etc.—riots, etc.
14. Misconduct, etc., of mayor or other officer—penalty.
15. Revising ordinances after change of organization.

**14. MAYOR—HIS QUALIFICATIONS.** § 1. The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

**15. VACANCY ONE YEAR OR OVER.** § 2. Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

**16. VACANCY LESS THAN YEAR.** § 3. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.

**17. MAYOR PRO TEM.** § 4. During the temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor *pro tem*., who, during such absence or disability, shall possess the powers of mayor.

**18. VACANCY BY REMOVAL FROM CITY.** § 5. If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

**19. MAYOR TO PRESIDE—CASTING VOTE.** § 6. The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

**20. WHEN HE MAY REMOVE OFFICERS.** § 7. The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds ( $\frac{2}{3}$ ) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense. [As amended by act approved May 31, 1879.]

**21. HIS POWER TO KEEP PEACE.** § 8. He may exercise, within the city limits, the powers conferred upon sheriffs, to suppress disorder and keep the peace. [See § 83.]

**22. RELEASE OF PRISONERS.** § 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter.

**23. GENERAL DUTIES.** § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

**24. EXAMINE RECORDS ETC.** § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employee or officer of the city.

**25. MESSAGES TO COUNCIL.** § 12. The mayor shall annually, and from time to time, give the council information relative to the affairs of the city and shall recommend for their consideration such measures as he may deem expedient.

**26. TO CALL OUT MILITIA, ETC.** § 13. He shall have power when necessary, to call on every male inhabitant of the city over the age of eighteen years to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the governor as commander-in-chief of the militia.

**27. MISCONDUCT, ETC.—PENALTY.** § 14. In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding one thousand dollars; and the court in which such conviction shall be had, shall enter an order removing such officer from office.

**28. REVISING ORDINANCES, ETC.** § 15. He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury.

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## ARTICLE III.

### OF THE CITY COUNCIL.

#### SECTION.

1. Council—how composed.
2. Number of aldermen.
3. Term of office of aldermen.
4. Vacancy.
5. Qualifications of aldermen.
6. Council judge of election and qualification of members.
7. Rules—expulsion—bribery.
8. Quorum—compelling attendance.
9. Meetings.
10. Chariman *pro tem*.
11. Open doors.
12. Journal shall be kept.
13. Yeas and nays—record—vote required.
14. Not rescind vote at special meeting unless, etc.
15. When report laid over.
16. Territorial jurisdiction.
17. Special meetings.
18. Ordinances—appeal—veto.
19. Reconsideration—passing over veto.

**29. COUNCIL—HOW COMPOSED.** § 1. The city council shall consist of the mayor and aldermen.

**30. NUMBER OF ALDERMEN.** § 2. The number of aldermen, when not elected by the minority representation plan, shall be as

follows: In cities not exceeding three thousand inhabitants, six aldermen; exceeding three thousand but not exceeding five thousand, eight aldermen; exceeding five thousand and not exceeding ten thousand, ten aldermen; exceeding ten thousand and not exceeding thirty thousand, fourteen aldermen; and two additional aldermen for every twenty thousand inhabitants over thirty thousand; *Provided*, however, that in cities of over 350,000 inhabitants there shall be elected forty-eight aldermen, and no more, unless additional territory shall be annexed to such city, after such city shall have been divided into wards on the basis of forty-eight aldermen; in which case and as often as new territory shall be annexed to such city as aforesaid, containing three or more square miles of territory, or 15,000 inhabitants and not exceeding 25,000 inhabitants, such annexed territory shall constitute a ward of such city, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such annexed territory; which said aldermen in such annexed territory shall be additional to said forty-eight aldermen, and who shall possess all the qualifications of and be elected at the time and in the manner provided in the said act of which this is an amendment: *Provided*, that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for every fraction of 15,000 inhabitants or more. The number of inhabitants to be determined by the last preceding, national, state or school census of such annexed territory. And if any such annexed territory has less than 15,000 inhabitants, and less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: *Provided*, further, that when the number of aldermen in any such city shall reach seventy by reason of such annexed territory, the city council shall redistrict said city into thirty-five new wards and no more; and when said number of aldermen shall reach seventy, if any territory is thereafter annexed which shall contain 25,000 inhabitants or more as determined by the last preceding national, state, school or other census authorized by law to be taken, then said city council shall redistrict said city into thirty-five wards: *Provided*, further, that whenever after such new territory shall have been annexed, as aforesaid, said city shall be redistricted, the number of wards at the time said city is redistricted, shall be preserved, and the city council thereof may, in its discretion, change the boundary between such new ward and the original territory of the city and make said new ward larger or smaller to comply with the requirements of said act as to compactness

and equality of inhabitants: and, *Provided*, further, if it shall appear from any census heretofore or hereafter taken, that any city has the requisite number of inhabitants to authorize it to increase the number of aldermen, it shall be the duty of the city council thereof to proceed without delay and redistrict such city in accordance with the provisions hereof, and to call and hold its next city election in accordance with such new districting: *Provided*, that at such election the aldermen who hold over shall be considered aldermen for the new wards respectively in which their residence shall be, unless there shall be two or more aldermen who hold over in the same ward under this proviso, then, in such case it shall be determined by lot in presence of the city council, in such manner as they shall direct, which alderman shall hold over for such ward. [As amended by act approved and in force June 4, 1889.]

**31. TERM OF OFFICE.** § 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

**32. VACANCY.** § 4. If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.

**33. QUALIFICATIONS OF ALDERMEN.** § 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.

**34. COUNCIL JUDGE OF ITS MEMBERS.** § 6. The city council shall be judge of the election and qualification of its own members.

**35. RULES—EXPULSION—BRIBERY.** § 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen



elect, may expel a member, but not a second time for the same offense: *Provided*, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

**36. QUORUM—COMPELLING ATTENDANCE.** § 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

**37. MEETINGS.** § 9. The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.

**38. CHAIRMAN PRO TEM.** § 10. It may elect a temporary chairman in the absence of the mayor.

**39. OPEN DOORS.** § 11. It shall sit with open doors.

**40. JOURNAL.** § 12. It shall keep a journal of its own proceedings.

**41. YEAS AND NAYS—RECORD—VOTE REQUIRED.** § 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition: *Provided*, it shall require two-thirds of all the aldermen elect to sell any city or school property.

**42. NOT TO RESCIND VOTE AT SPECIAL MEETING, UNLESS, ETC.**

§ 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

**43. WHEN REPORT LAID OVER.** § 15. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

**44. TERRITORIAL JURISDICTION.** § 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof. [See §§ 71, 170, 215, 216, 232.]

**45. SPECIAL MEETING.** § 17. The mayor or any three aldermen may call special meetings of the city council.

**46. ORDINANCE—APPROVAL—VETO.** § 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

**47. RECONSIDERATION—PASSING OVER VETO.** § 19. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.



## ARTICLE IV.

## ELECTIONS.

## SECTION.

1. Annual election.
2. Election of mayor.
3. Who entitled to vote.
4. Wards.
5. Aldermen at first election—classified.
6. Minority representation.
7. Aldermen under minority representation.
8. Aldermen when minority plan not adopted.
9. Council to designate place of election—notice.
10. Manner of conducting elections.
11. Result—tie.
12. Notice to persons elected or appointed.
13. Where no quorum in office—special election.
14. Special election.

**48. ANNUAL ELECTION.** § 1. A general election for city officers shall be held on the third Tuesday of April, of each year: *Provided*, That in cities which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April. [As amended by act approved and in force March 9, 1877.]

**49. ELECTION OF MAYOR, CITY CLERK, ATTORNEY AND TREASURER.** § 2. At the general election held in 1877, and biennially thereafter, a mayor, a city clerk, a city attorney, and a city treasurer shall be elected in each city: *Provided*, that no person shall be elected to the office of city treasurer for two terms in succession. [As amended by act approved and in force March 26, 1877.]

**50. WHO ENTITLED TO VOTE.** § 3. All persons entitled to vote at any general election for state officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers.

**51. WARDS.** § 4. The city council of any city in this state, whether organized under this act or under any special law of this state, may, from time to time, divide the city into one half as many wards as the total number of aldermen to which the city is entitled; and one alderman shall, annually, be elected in and for each ward, to hold his office for two years and until his successor is elected and qualified. In the formation of wards the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable. [As amended by act approved June 17, 1887.]

**52. ALDERMEN AT FIRST ELECTION—CLASSIFIED.** § 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: those of the first class shall continue in office for one year, and those of the second for two years. And upon any increase of the number of aldermen, at their first election, one-half shall be elected for one year, and one-half for two years.

**53. MINORITY REPRESENTATION.** § 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time for adoption or rejection the question of minority representation in the city council or legislative authority of such city. At the said election the ballot shall be in the following form: "For minority representation in the city council," or "against minority representation in the city council," and at any subsequent time on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: *Provided*, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such an election shall be "For equal representation in the city council," then the members of the city council or legislative authority of such city shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city, by dividing the population thereof, as ascertained by the last federal census, by any number not less than two nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain, as nearly as practicable, an equal number of inhabitants. And, *Provided* further, that where said council or legislative authority of such city have not fixed a ratio of representation and formed the districts or wards, at the time above specified, the same may be done by any subsequent board of aldermen; and all official acts heretofore done and ordinances heretofore passed by any board of aldermen elected at large by the legal electors of any

such city on the minority representation plan, shall be held and taken by all courts in this state to be of as much validity and binding force as if they had been elected from wards or districts. [As amended by act approved and in force April 1, 1883.]

**54. ALDERMEN UNDER MINORITY PLAN.** § 7. Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified. At the first general election for mayor, after the passage of this act, and every two years thereafter, there shall be elected in each ward as many aldermen as such ward shall be entitled to: *Provided*, that aldermen elected under this act, in wards wherein aldermen were elected for two years at the last previous annual election, shall not take their seats as such until the terms of the aldermen last aforesaid shall expire. Vacancies shall be filled at an election to be held by the voters of the district in which such vacancies shall occur, at the time to be designated by the city council. In all elections for aldermen aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same or equal parts thereof, among the candidates, as he shall see fit, and the candidate highest in votes shall be declared elected. [As amended by act approved and in force April 1, 1883. L. 1883, p. 57; Legal News Ed., p. 57.]

**55. ALDERMEN WHEN MINORITY PLAN NOT ADOPTED.** § 8. If a majority of the votes cast at such election shall be "Against minority representation in the city council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

**56. PLACE OF ELECTION—NOTICE.** § 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

**57. MANNER OF CONDUCTING ELECTIONS, ETC.** § 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this state. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath

and have the same powers and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals. [See "Elections," ch. 46, § 48, et. seq.]

**58. RESULT—TIE.** § 11. The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in presence of the city council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

**59. NOTICE TO PERSONS ELECTED OR APPOINTED.** § 12. It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

**60. WHEN NO QUORUM IN OFFICE—SPECIAL ELECTION.** § 13. If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.

**61. SPECIAL ELECTIONS.** § 14. If there is a failure to elect any officer herein required to be elected, or the person elected should fail to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

## ARTICLE V.

## OF THE POWERS OF THE CITY COUNCIL.

## SECTION.

1. General powers of the city council.
2. Power to license, tax, etc., itinerant merchants, etc.
3. Style of ordinances.
4. Publication of ordinances—when they take effect.
5. Proof of ordinances.
6. Suits for violating ordinances.
7. Fines and licenses paid to treasurer.
8. Summons—affidavit—punishment.
9. Jurisdiction of justices, etc.
10. Constables and Sheriffs may serve process, etc.
11. Jurisdiction over water.

**62. GENERAL POWERS OF THE CITY COUNCIL.** § 1. The city council in cities, and president and board of trustees in villages, shall have the following powers :

*First.* To control the finances and property of the corporation.

*Second.* To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

*Third.* To levy and collect taxes for general and special purposes on real and personal property.

*Fourth.* To fix the amount, terms and manner of issuing and revoking licenses.

*Fifth.* To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to any amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same.

*Sixth.* To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

*Seventh.* To lay out, to establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

*Eighth.* To plant trees upon the same.

*Ninth.* To regulate the use of the same.

*Tenth.* To prevent and remove encroachments or obstructions upon the same.

*Eleventh.* To provide for the lighting of the same.

*Twelfth.* To provide for the cleansing of the same.

*Thirteenth.* To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided*, however, that any company heretofore organized under the general laws of this state, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this state, subject to such regulations as any such city or village may by ordinance impose.

*Fourteenth.* To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

*Fifteenth.* To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public ground.

*Sixteen.* To provide for and regulate crosswalks, curbs and gutters.

*Seventeenth.* To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting handbills and advertisements.

*Eighteenth.* To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds, or upon the sidewalks.

*Nineteenth.* To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

*Twentieth.* To regulate traffic and sales upon the streets, sidewalks and public places.

*Twenty-first.* To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

*Twenty-second.* To regulate the numbering of houses and lots.

*Twenty-third.* To name and change the name of any street, avenue, alley, or other public place.

*Twenty-fourth.* To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than twenty years.

*Twenty-fifth.* To provide for and change the location, grade and crossings of any railroad.

*Twenty-sixth.* To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal, may sustain, by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this state, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

*Twenty-seventh.* To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroad to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

*Twenty-eighth.* To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof. [See § 194.]

*Twenty-ninth.* To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof.

*Thirtieth.* To deepen, widen, dock, cover, wall, alter or change the channel of water courses.

*Thirty-first.* To construct and keep in repair canals and slips for the accommodation of commerce.

*Thirty-second.* To erect and keep in repair public landing places, wharves, docks and levees. [See § 219-220.]



*Thirty-third.* To regulate and control the use of public and private landing places, wharves, docks and levees.

*Thirty-fourth.* To control and regulate the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

*Thirty-fifth.* To license, regulate and prohibit wharf boats, tugs and other boats used about the harbor or within such jurisdiction.

*Thirty-sixth.* To fix the rate of wharfage and dockage.

*Thirty-seventh.* To collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levee within the limits of the corporation.

*Thirty-eighth.* To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges.

*Thirty-ninth.* To appoint harbor masters, and define their duties.

*Fortieth.* To provide for the cleansing and purification of waters, water courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

*Forty-first.* To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure.

*Forty-second.* To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

*Forty-third.* To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

*Forty-fourth.* To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon hole or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys.

*Forty-fifth.* To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purposes of gaming or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations. [See § 216-217.]

*Forty-sixth.* To license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: *Provided*, that the city council in cities, or president and board of



trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further*, that in granting licenses such corporate authorities shall comply with whatever general law of the state may be in force relative to the granting of licenses.

*Forty-seventh.* The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

*Forty-eighth.* And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

*Forty-ninth.* To establish markets and market houses, and provide for the regulation and use thereof.

*Fiftieth.* To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

*Fifty-first.* To prevent and punish forestalling and regrating.

*Fifty-second.* To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

*Fifty-third.* To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal, and other provisions.

*Fifty-fourth.* To regulate the inspection, weighing and measuring of brick, lumber, fire wood, coal, hay, and any article of merchandise.

*Fifty-fifth.* To provide for the inspection and sealing of weights and measures.

*Fifty-sixth.* To enforce the keeping and use of proper weights and measures by vendors.

*Fifty-seventh.* To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

*Fifty-eighth.* To regulate places of amusement.

*Fifty-ninth.* To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

*Sixtieth.* To regulate partition fences and party walls.

*Sixty-first.* To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

*Sixty-second.* The city council, and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed or repaired, without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

*Sixty-third.* To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories, dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

*Sixty-fourth.* To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

*Sixty-fifth.* To regulate and prevent storage of gunpowder, tar, pitch, rosin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fire-works, fire-crackers, torpedoes, Roman candles, sky-rockets and other pyrotechnic displays.

*Sixty-sixth.* To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

*Sixty-seventh.* To provide for the inspection of steam boilers.

*Sixty-eighth.* To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

*Sixty-ninth.* To establish and erect calaboozes, bridewells, houses of correction and work houses, for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

*Seventieth.* To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

*Seventy-first.* To provide by ordinance in regard to the relation

between all the officers and employees of the corporation in respect to each other, the corporation and the people.

*Seventy-second.* To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place.

*Seventy-third.* To prohibit and punish cruelty to animals.

*Seventy-fourth.* To restrain and punish vagrants, mendicants and prostitutes.

*Seventy-fifth.* To declare what shall be a nuisance, and to abate the same ; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

*Seventy-sixth.* To appoint a board of health and prescribe its powers and duties.

*Seventy-seventh.* To erect and establish hospitals and medical dispensaries, and control and regulate the same.

*Seventy-eighth.* To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

*Seventy ninth.* To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

*Eightieth.* To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

*Eighty-first.* To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

*Eighty second.* To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and founderies within the limits of the city or village.

*Eighty-third.* To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

*Eighty-fourth.* To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

*Eighty-fifth.* The city council, or trustees of a village shall have power to provide for the taking of the city or village census ; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

*Eighty-sixth.* To provide for the erection and care of all public buildings necessary for the use of the city or village.

*Eighty-seventh.* To establish ferries, toll bridges, and license and regulate the same, and, from time to time, fix tolls thereon.

*Eighty-eighth.* To organize the construction of mills, mill-races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

*Eighty-ninth.* The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

*Ninetieth.* The city council or board of trustees shall have no power to grant the use of or the right to lay down any railroad tracks in any street of the city to any steam, dummy, electric, cable, horse or other railroad company, whether the same shall be incorporated under any general or special law of the state, now or hereafter in force, except upon the petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes, and when the street or part thereof sought to be used shall be more than one mile in extent, no petition of land owners shall be valid unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and of the fraction of a mile, if any, in excess of the whole miles, measuring from the initial point named in such petition, of such street or of the part thereof sought to be used for railroad purposes.

*Ninety-first.* To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

*Ninety-second.* To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

*Ninety-third.* To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood, or other combustible material, within the fire limits of the city.

*Ninety-fourth.* To provide, by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract, let to the lowest bidder.

*Ninety-fifth.* To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

*Ninety-sixth.* To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed \$200 and no imprisonment shall exceed six months for one offense. [As amended by act approved and in force March 30, 1887.]

**62a.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council in cities and the president and board of trustees in villages and incorporated towns, shall have power to license, tax, regulate, suppress or prohibit itinerant merchants and transient vendors of merchandise.

**63.** **STYLE OF ORDINANCES.** § 2. The style of the ordinances in cities shall be: "*Be it ordained by the City Council of*——."

**64.** **PUBLICATION OF ORDINANCES—WHEN TAKE EFFECT.** § 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein.

**65.** **PROOF OF ORDINANCES.** § 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof. [See "Evidence," etc., ch. 51., § 14.]

**66.** **SUITS FOR VIOLATING ORDINANCES.** § 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery

or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

**67. FINES AND LICENSES—PAID TO TREASURER.** § 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

**68. SUMMONS — AFFIDAVIT — PUNISHMENT.** § 7. In all actions for the violation of any ordinance, the first process shall be a summons: *Provided*, however, that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work house, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within or without such prison, work house, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day; and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost.

**69. JURISDICTION OF JUSTICES, ETC.** § 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

**70. CONSTABLE OR SHERIFF MAY SERVE PROCESS, ETC.** § 9. Any constable or sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.



**71. JURISDICTION OVER WATERS—STREET LABOR. § 10.** The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the state; and may, by ordinance, require every able-bodied male inhabitant, of such city or village, above the age of twenty-one years and under the age of fifty years, (excepting paupers, idiots, lunatics, and such others as are exempt by law,) to labor on the streets and alleys of such city or village, not more than three days in each year, but such ordinance shall provide for commutation of such labor at not more than one dollar and fifty cents per day. [As amended by act approved April 10, 1875.]

## ARTICLE VI.

### OFFICERS—THEIR POWERS AND DUTIES.

#### SECTION.

1. Officers enumerated.
2. Other officers—duties of the city marshal.
3. Appointment—vacancies—duties—powers.
4. Oath—bond.
5. Commission—certificate—delivery to successor.
6. Qualifications of officers.
7. Officers not to be interested in contracts.
8. Bribery—penalty.
9. Mayor, etc., not to hold other office.
10. Duties of clerk.
11. Record of ordinances.
12. Conservators of the peace—powers.
13. Compensation of mayor.
14. Compensation of aldermen, etc.
15. Compensation of other officers.
16. Administering oaths.

**72. OFFICERS ENUMERATED. § 1.** There shall be elected, in all cities organized under this act, the following officers, viz: a mayor, a city council, a city clerk, city attorney, and a city treasurer.

**73. OTHER OFFICERS—DUTIES OF CITY MARSHAL. § 2.** The city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city

collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer, filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this state.

**74. APPOINTMENT—VACANCIES—DUTIES—POWERS.** § 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment) by and with the advice and consent of the city council. The city council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years. [See § 15-18-32.]

**75. OATH—BOND.** § 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of—— according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the clerk. And all such officers, except aldermen and trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided*, however, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000); nor shall the treasurer's



bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer).

**76. COMMISSION—CERTIFICATE—DELIVERY, ETC.** § 5. All officers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees), shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed.

**77. QUALIFICATIONS OF OFFICERS.** § 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.

**78. NOT TO BE INTERESTED IN CONTRACTS, ETC.** § 7. No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

**79. BRIBERY—PENALTY.** § 8. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by

law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

**80. NOT TO HOLD OTHER OFFICE.** § 9. No mayor, alderman, city clerk, or treasurer, shall hold any other office under the city government during his term of office.

**81. DUTIES OF CLERK.** § 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

**82. RECORD OF ORDINANCES.** § 11. The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

**83. CONSERVATORS OF THE PEACE — POWERS.** § 12. The trustees in villages, the mayor, aldermen, and the marshal and his

deputies, policemen and watchmen, in cities, if any such be appointed, shall be conservators of the peace; and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village or any criminal law of the state, commit for examination, and if necessary, detain such persons in custody over night or Sunday in the watch house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council or board of trustees may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of any such city or village by any policeman of such city or village; such policemen being hereby clothed with all the common law and statutory power of constables for such purposes. [As amended by laws of 1883.]

**84. COMPENSATION OF MAYOR.** § 13. The mayor of any city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office.

**85. COMPENSATION OF ALDERMEN, ETC** § 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by ordinance: *Provided*, however, such compensation shall not exceed \$3 to each alderman or trustee for each meeting of the city council, or board of trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any alderman or trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any alderman or trustee voting for such change, during his term of office.

**86. COMPENSATION OF OTHER OFFICERS.** § 15. All other officers may receive a salary, fees or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him.

**87. ADMINISTERING OATHS.** § 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

## ARTICLE VII.

## OF FINANCE.

## SECTION.

1. Fiscal year.
2. Annual appropriation ordinance.
3. Limitation—emergency—borrowing money.
4. Contracting liabilities limited.

## CITY TREASURER.

5. His duties.
6. Funds kept separate.
7. Receipts.
8. Monthly statements—warrants—vouchers—register.
9. Deposit of funds—separate from his own.
10. Treasurer's annual report—publication.
11. Warrants.
12. Special assessment fund kept separate.

## CITY COLLECTOR.

13. His duties.
14. He shall report, etc.—publication.
15. Not to detain money—penalty.
16. Examination of books—paying over.

## CITY COMPTROLLER.

17. His powers and duties.
18. Council may define duties—transfer of clerk's financial duties.
19. Record of bonds issued by city.

## GENERAL PROVISIONS.

20. Further duties may be required of officers.
21. Appeal to finance committee.
22. Who may appoint subordinates—liability.
23. Foreign insurance companies—licenses, etc.—penalties.

**88. FISCAL YEAR.** § 1. The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

**89. ANNUAL APPROPRIATION ORDINANCE.** § 2. The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated

for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by petition signed by them, or at a general or special election duly called therefor.

**90. LIMITATION — EMERGENCY — BORROWING MONEY, ETC.**

§ 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year any thing over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided*, however, that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.

**91. CONTRACTING LIABILITIES LIMITED.** § 4. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

## CITY TREASURER.

**92. DUTIES OF TREASURER.** § 5. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.

**93. FUNDS KEPT SEPARATE.** § 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

**94. RECEIPTS.** § 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports.

**95. MONTHLY STATEMENTS — WARRANTS — VOUCHERS, ETC.** § 8. The treasurer shall, at the end of each and every month, and oftener, if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance, (under oath), showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him: which said warrants, with any and all vouchers held by him, shall be delivered to the clerks and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

**96. DEPOSIT OF FUNDS—SEPARATE FROM HIS OWN.** § 9. The treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided*, however, no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied, by the corporation.



The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

**97. ANNUAL REPORT—PUBLICATION.** § 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year: which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.

**98. WARRANTS.** § 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

**99. SPECIAL ASSESSMENT FUND KEPT SEPARATE.** § 12. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

#### CITY COLLECTOR.

**100. HIS DUTIES.** § 13. It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be

open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, or oftener if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time, or on demand, give such tax collector a copy of any such receipt so filed.

**101. SHALL REPORT, ETC.—PUBLICATION.** § 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer. [See § 97.]

**102. NOT TO DETAIN MONEY—PENALTY.** § 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision will subject him to immediate removal from office.

**103. EXAMINATION OF BOOKS—PAYING OVER.** § 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member of the city council; and the collector shall every two weeks, or oftener if the city council shall so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

#### CITY COMPTROLLER.

**104. HIS POWERS AND DUTIES.** § 17. The city comptroller (if there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or



disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May in each year, and before the annual appropriations to be made by the city council or the board of trustees, submit to the city council or board of trustees a report of his estimates as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective officers or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

**105. COUNCIL MAY DEFINE DUTIES, ETC.** § 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk" is used, it shall be held to mean "comptroller;" and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office."

**106. RECORD OF BONDS ISSUED BY CITY.** § 19. The comptroller, when there shall be a comptroller, and if not, then the clerk, shall keep in his office, in a book or books kept expressly for that

purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

#### GENERAL PROVISIONS.

**107. FURTHER DUTIES MAY BE REQUIRED, ETC. § 20.** The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish.

**108. APPEAL TO FINANCE COMMITTEE. § 21.** In the adjustment of the accounts of the collector or treasurer with the clerk (or comptroller if there be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide.

**109. WHO MAY APPOINT SUBORDINATES, ETC. § 22.** The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

**110. FOREIGN INSURANCE COMPANIES, ETC. § 23.** All corporations, companies or associations not incorporated under the laws of this state, engaged in any city in effecting fire insurance, shall pay to the treasurer the sum of \$2 upon the \$100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies or associations respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January, in each year, render to the comptroller (if there be one, if not, to the clerk), a full, true and just account, verified by his oath, of all

premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires.

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## ARTICLE VIII.

### OF THE ASSESSMENT AND COLLECTION OF TAXES.

#### SECTION.

1. Ordinance levying tax—limitation.
2. Manner of collecting.
3. Time of paying over.
4. When tax levied for particular purpose.
5. Tax to be uniform.

**111. ORDINANCE LEVYING TAX—LIMITATION.** § 1. The city council in cities, and board of trustees in villages, may levy and collect taxes for corporate purposes in the manner following: The city council or board of trustees as the case may be, shall,

annually, on or before the third (3d) Tuesday in *September*, in each year, ascertain the total amount of appropriations for all corporate purposes, legally made, and to be collected from the tax levy of that fiscal year; and by an ordinance, specifying in detail the purposes for which such appropriations are made, and the sum or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the county clerk to extend such tax, in a separate column, upon the book or books of the collector or collectors of state and county taxes within such city or village; and where the corporate limits of any city or village shall lie partly in two or more counties, the city council or board of trustees, shall ascertain the total amount of all taxable property lying within the corporate limits of said city or village in each county, as the same is assessed and equalized for state and county purposes for the current year, and certify the amount of taxable property in each county within said city or village under the seal of said city or village, to the county clerk of the county where the seat of government of such city or village is situate, whose duty it shall be to ascertain the rate per cent. which upon the total valuation of all property subject to taxation within the city or village, ascertained as aforesaid, will produce a net amount not less than the amount so directed to be levied, and said clerk shall, as soon as said rate per cent. of taxation is ascertained, certify under his hand and seal of office to the county clerk of any other county wherein a portion of said city or village is situate, such rate per cent. and it shall be the duty of such county clerk to whom such rate per cent. is certified, to extend such tax in a separate column upon the book or books of the collector or collectors of the state and county taxes for such county against all property in his county within the limits of said city or village: *Provided*, the aggregate amount of taxes levied for any one (1) year, exclusive of the amount levied for the payment of bonded indebtedness or the interest thereon, shall not exceed the rate of two (2) per centum upon the aggregate valuation of all property within such city or village, subject to taxation therein, as the same was equalized for state and county taxes of the preceding year. [As amended laws 1891.]

**112. MANNER OF COLLECTING.** § 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village.

**113. TIME OF PAYING OVER.** § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall have been paid over.

**114. WHEN TAX LEVIED FOR PARTICULAR PURPOSE.** § 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment,

what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

**115. TAX TO BE UNIFORM.** § 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the constitution and general laws of the state.

## ARTICLE IX.

## SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

## SECTION.

1. Powers conferred.
2. Ordinance for improvement.
3. When property is to be taken.
4. Petition.
5. Form of petition.
6. Summons—publication—notice.
7. Hearing—jury.
8. Jury to ascertain compensation—admitting other parties.
9. Viewing premises—ownership, etc.
10. Judgment—new parties—further proceedings.
11. Powers of court.
12. Ownership—further powers of court.
13. Persons under disability.
14. Judgment—effect—appeal, etc.
15. Order for possession.
16. When improvement made by general tax.
17. Special taxation.

## SPECIAL ASSESSMENT.

18. How made.
19. Ordinance for—sidewalks—owner's rights.
20. Estimate of cost.
21. Order for proceedings in court.
22. Petition to court.
23. Appointment of commissioners--oath.
24. Duty of commissioners.
25. Repealed.
26. Assessment roll—return of roll.
27. Notice by mail—posting and publication.
28. Proof of notice.
29. Continuance when notice not in time.
30. Objections—judgment by default.
31. Hearing—jury.
32. Precedence.
33. Court may modify, etc., the assessment.
34. Judgment several—appeal, etc.—lien.
35. Judgment certified to city clerk--filing--warrant.
36. Form of warrant.
37. Collector's notice--form of.
38. Manner of collecting—entry of payment.
39. Report of delinquent list to county collector—evidence--defense.
40. Application for judgment—what laws govern.
41. Return of sales—redemption.
42. Penalty when lands paid are sold for tax, etc.
43. Paying over—compensation.
44. General revenue laws apply.
45. City or village may buy in.
46. When assessments set aside—new assessment.
47. Supplemental assessments.

48. New assessments against delinquents—lien—limitation.
49. Contracts payable from assessments.
50. How contracts let—approval.
51. Lien.
52. Collection of assessment by suit.
53. Supplemental petition to assess benefits in condemnation cases.
54. Adoption of this article.
55. May be divided into installments.
56. May be paid before maturity—interest.
57. When by installments—ordinance.
58. Assessment roll—what to contain.
59. Notice—what to contain.
60. Order of confirmation.
61. Warrant for collection.
62. Proceedings for judgment.
63. Payment for improvement—voucher.
64. Persons accepting vouchers.
65. Surplus remaining—notice.
66. Special assessment—when city may advance to pay damages.
67. When collected by installments.

**116. POWERS CONFERRED.** § 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or by special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.

**117. ORDINANCE FOR IMPROVEMENT.** § 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment, or by special taxation of contiguous property, or general taxation, or both.

**118. WHEN PROPERTY IS TO BE TAKEN.** § 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

**119. PETITION.** § 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."



**120. FORM OF PETITION.** § 5. Such petition shall contain a copy of the said ordinance, certified by the clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners or occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the state, stating the fact of such non-residence.

**121. SUMMONS—PUBLICATION, ETC.** § 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this state, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or, if there be no newspaper published in his county, then in some newspaper published in this state, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of such proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served. [As amended by act approved and in force March 30, 1874.]

**122. HEARING—JURY.** § 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid; but if any defendant or party in interest shall demand, or the court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest. [As amended by act approved and in force March 30, 1874.]

**123. JURY TO ASCERTAIN COMPENSATION, ETC.** § 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, such person

shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

**124. VIEWING PREMISES—OWNERSHIP, ETC.** § 9. The court may upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interest therein. [As amended by act approved and in force March 30, 1874.]

**125. JUDGMENT—NEW PARTIES, ETC.** § 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceedings shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

**126. POWERS OF COURT.** § 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

**127. OWNERSHIP—FURTHER POWERS OF COURT.** § 12. No delay in making an assessment of compensation shall be occasioned

by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interest in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

**128. PERSONS UNDER DISABILITY.** § 13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem*, for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

**129. JUDGMENT—EFFECT—APPEAL, ETC.** § 14. Any final judgment or judgments, rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damage caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

**130. ORDER FOR POSSESSION.** § 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

**131. WHEN IMPROVEMENT MADE, ETC.** § 16. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

**132. SPECIAL TAXATION.** § 17. When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

#### SPECIAL ASSESSMENT.

**133. HOW MADE.** § 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this *act* [article] from 18 to 51, inclusive.

**134. ORDINANCE FOR—SIDEWALKS, ETC.** § 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that where the owners of a majority of the property in any block abutting on any street, alley, park, or public place, shall petition the common council in cities or board of trustees in villages, for any local improvements, it shall be the duty of said council or board of trustees to pass an ordinance for said improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall in all respects conform to the requirements of such ordinance. [See § 62, item 7, and § 259-264.]

**135. ESTIMATE OF COST.** § 20. The city council or board of trustees shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the

improvement contemplated by such ordinance, including labor, materials and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said council or board of trustees.

**136. ORDER FOR PROCEEDINGS IN COURT.** § 21. On such report being made, and approved by the council or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act.

**137. PETITION TO COURT.** § 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

**138. APPOINTMENT OF COMMISSIONERS—OATH.** § 23. Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit :

STATE OF ILLINOIS, }  
 \_\_\_\_\_ County, } ss.

We, the undersigned, commissioners, appointed by the county court of \_\_\_\_\_ county, to assess the cost of \_\_\_\_\_ (here state in general terms the improvement), do solemnly swear (or affirm as the case may be), that we will a true and impartial assessment make of the cost of said improvement upon the city (or village) of \_\_\_\_\_ and the property benefitted by such improvement, to the best of our ability, and according to law.

**139. DUTY OF COMMISSIONERS.** § 24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be specially benefitted thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefitted, and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion ; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefitted by such improvement : *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefitted : *And, provided*,

*further*, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys. [As amended by act approved and in force March 30, 1874.]

[§ 25, repealed by act approved April 25, 1873.]

**140. ASSESSMENT ROLL—RETURN.** § 26. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had. [As amended by act approved and in force March 30, 1874.]

**141. NOTICE BY MAIL—POSTING, ETC.** § 27. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

*First.* They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in the following form:

Mr. ———: Your (here give a short description of the premises) is assessed \$——— for public improvement. The assessment roll will be returned to the———term of the county court of———county.

(Here give date.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Commissioners.

*Second.* They shall cause at least ten days' notice to be given, by posting notices in at least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same at least five successive days in such daily newspaper, or if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week, for two successive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city or village, then at least once in each week for two successive



weeks in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the city council (or board of trustees as the case may be), of——, having ordered that (here insert brief description of the nature of the improvement, the ordinance for the same being on file in the office of the——clerk), have applied to the——court of——county for an assessment of the cost of said improvements, according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the——term of said court, commencing on the——day of——A. D. 18—. All persons desiring may then and there appear and make their defense.

(Here give date.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Commissioners.

[As amended by act approved June 26, 1885.]

**142. PROOF OF NOTICE.** § 28. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent by mail, to the owners whose premises have been assessed, and whose name and place of business are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices. [As amended by act approved April 25, 1873; in force July 1, 1873.]

**143. CONTINUANCE WHEN NOTICE NOT IN TIME.** § 29. If ten days shall not have elapsed between the first publication or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.

**144. OBJECTIONS — JUDGMENT BY DEFAULT.** § 30. Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all



lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

**145. HEARING—JURY.** § 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefitted, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

**146. PRECEDENCE.** § 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

**147. COURT MAY MODIFY, ETC.** § 33. The court before which any such proceeding may be pending, shall have authority, at any time before final *adjournment* [judgment], to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

**148. JUDGMENT SEVERAL—APPEAL, ETC.** § 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

**149. JUDGMENT CERTIFIED TO CITY CLERK—FILING—WARRANT.** § 35. The clerk of the court in which such judgment is rendered, shall certify the assessment roll and judgment to the

officer of such city or village authorized to collect such special assessments, or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error and such certificate shall be filed in his office by the officer receiving the same. With such assessment roll and judgment the clerk of such court shall also issue a warrant for the collection of such assessment. [As amended by act approved June 26, 1885.]

**150. FORM OF WARRANT.** § 36. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

**151. COLLECTOR'S NOTICE—FORM OF.** § 37. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notices may be substantially in the following form:

SPECIAL ASSESSMENT NOTICE—SPECIAL WARRANT NO.—

Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefitted by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in my office; that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the collector's office, (here insert location of office) within thirty days from the date hereof.

Dated this—day of—, A. D. 18—.

— Collector.

[As amended by act approved June 26, 1885.]

**152. MANNER OF COLLECTING, ETC.** § 38. It shall be the duty of the collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform

them of such assessment, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of \$10 for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment,] shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post office address of the person making the payment, and date of payment.

**153. REPORT OF DELINQUENT LIST, ETC.** § 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this state, to apply for judgment and sell lands for taxes due the county and state—of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of——(or village of——, as the case may be), remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

**154. APPLICATION FOR JUDGMENT, ETC.** § 40. When said general officer shall receive the report provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land and property for said special assessments remaining due and unpaid, at the same time and in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and state; and shall in the same manner proceed to sell the same for the said special assessments

remaining due and unpaid. In obtaining said judgment and making said sale, the said officers shall be governed by the general revenue laws of this state, except when otherwise provided herein. No application for judgment against lands for unpaid special assessments shall be made at a time different from the annual application for judgment against lands, upon which general taxes remain due and unpaid. The application for judgment upon delinquent special assessments in each year, shall include only such special assessments as shall have been returned as delinquent to the county collector, on or before the first day of April, in the year in which such application is made. [As amended by laws of 1883.]

**155. RETURN OF SALES—REDEMPTION.** § 41. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this state.

**156. PENALTY WHEN LANDS ARE SOLD FOR TAXES, ETC.** § 42. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards return the same as unpaid to the state officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

**157. PAYING OVER—COMPENSATION.** § 43. The collector or collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

**158. GENERAL REVENUE LAWS APPLY.** § 44. The general revenue laws of this state, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and

effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

**159. CITY OR VILLAGE MAY BUY IN.** § 45. Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

**160. WHEN ASSESSMENTS SET ASIDE, ETC.** § 46. If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or board of trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

**161. SUPPLEMENTAL ASSESSMENTS.** § 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

**162. NEW ASSESSMENTS AGAINST DELINQUENTS, ETC.** § 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be cancelled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual,

either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

**163. CONTRACTS PAYABLE FROM ASSESSMENTS.** § 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collections of the special assessments made for the work contracted for.

**164. HOW CONTRACTS LET—APPROVAL.** § 50. All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the mayor or president of the board of trustees: *Provided*, however, any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

**165. LIEN.** § 51. All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of state and county taxes under the general laws of the state.

**166. COLLECTION OF ASSESSMENT BY SUIT.** § 52. At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced



by petition, and shall state the several amounts of the special assessments sought to be recovered and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk, under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

**167. SUPPLEMENTAL PETITION TO ASSESS, ETC. § 53.** Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceedings a supplemental petition praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged, with the costs of the proceeding. The said court shall have power, at any time after any such supplemental petition shall have been filed, to appoint three commissioners to make such assessment, and to ascertain, as near as may be, the costs incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such cost to be included by such commissioners in making said assessment. Like proceedings in making said assessment shall be had, and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases:



*Provided*, however, in all proceedings heretofore commenced, where the property has not been fully paid for, or that shall hereafter be commenced, said city or village shall take and pay for the lands sought to be taken or damaged within two years of the entry of judgment in such condemnation proceedings. And after the expiration of such time the court, in which the proceedings may have been had, upon a motion of any person interested in the lands, may enquire in a summary manner whether the lands in which such person is interested have been taken or damaged and paid for; and if the court finds that such lands have not been taken or damaged and not been paid for, it shall enter an order requiring the city or village to pay for such lands within a short day to be fixed by the court; and in default thereof shall dismiss such proceedings as far as they relate to lands of such person. If however, the court finds that such city or village has taken possession of the lands and has not paid therefor, it shall enter an order requiring such city or village to pay the amount of the condemnation judgment with interest from the time of such taking within a short day to be fixed by the court; and, in default thereof to dismiss the proceedings and enter a several judgment in favor of such land owners for interest from the day of such taking and direct the issue of a writ of possession in favor of the several owners or their legal representatives or grantees respectively. And such dismissal, as aforesaid, shall operate as a bar to further proceedings under such ordinance against the land affected by such dismissal, and every such cause shall be considered as pending in the court in which the same has been or shall be commenced until all the lands sought to be taken are paid for, or until the proceedings are dismissed where the lands have not been taken. [As amended by act approved June 18, 1891.]

**168.** ADOPTION OF THIS ARTICLE. § 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all the proceedings in this article provided for, and have the benefit of all the provisions hereto.

**168a.** MAY BE DIVIDED INTO INSTALLMENTS—PAYMENT OF INTEREST. § 55. That the amount of any special assessment for any local improvement in any city, incorporated town or village, may be divided into installments, when so provided for by the ordinance providing for the said improvement, the first of which shall not exceed the sum of twenty-five per cent. of the total of said assessment, and which shall be due and payable from and after

confirmation of said assessment. The remaining portion of said assessment, after deducting the said first installment, shall be divided into four equal annual installments, which said installments shall be payable annually thereafter, and collected in the same manner that other assessments are now collected and the annual interest herein provided for on all of said installments which may at any time remain unpaid, shall also be payable annually thereafter and collected in the same manner that other assessments are now collected. Each of said four last named installments shall bear interest at the rate of six per cent. per annum, payable in each year, from and after the first day of July next succeeding the confirmation of said assessment, when such confirmation shall be had between the first day of November and the first day of March; and when such confirmation is had between the first day of March and the first day of July, then each of the said four last named installments shall bear interest at the rate of six per cent. per annum in each year, from and after the first day of October next succeeding such confirmation of assessment; and when such confirmation is had between the first day of July and the first day of November, then each of said last four named installments shall bear interest at the rate of six per cent. per annum, from and after the first day of January next succeeding such confirmation of assessment. Such interest shall be payable in each year at the time when the installments are payable: *Provided*, that in cities containing a population of fifty thousand or more, this and the following sections shall not apply except in cases where any such special assessments shall exceed in aggregate the sum of fifteen thousand dollars. [As amended by act approved June 15, 1891.]

**168b. MAY BE PAID BEFORE MATURITY—INTEREST. § 56.** That any installment or installments which may be assessed against any tract, lot, block or piece of land may be paid at any time before maturity, in which case interest shall be charged only to the time of payment, and upon such payment the property for which said payment is made shall be discharged from the lien to the extent of such payment. [Added by act approved and in force April 29, 1887.]

**168c. WHEN BY INSTALLMENT—ORDINANCE. § 57.** Whenever any city, incorporated town or village desires to make the collection of any special assessment as aforesaid, by installments under the provisions of this act, the ordinance providing for said improvement shall also state that the same shall be collected by installments, and fix the amount of the first installment. [Added by act approved and in force April 29, 1887.]

**168d. ASSESSMENT ROLL—WHAT TO CONTAIN.** § 58. Upon the assessment roll to be returned by the commissioners shall be designated, in appropriate columns, first the amount of each installment; second, the total amount of the assessment, which said items shall be carried out and set opposite each tract, lot or piece of property so assessed. [Added by act approved and in force April 29, 1887.]

**168e. NOTICE—WHAT TO CONTAIN.** § 59. The notice to be given by the collector as now provided for by law when the assessment is under the provisions of this act, in addition to what is now required, shall contain the amount of each installment, the rate of interest deferred installments bear, the date of payment and that the whole of said assessment, or any installment thereof, may be paid at any time at the option of the owner or owners of said lot, block, piece or tract. [Added by act approved and in force April 29, 1887.]

**168f. ORDER OF CONFIRMATION.** § 60. The order of confirmation that shall be entered upon the return of any such assessment roll shall apply to all of the installments thereof and may be entered in one order. [Added by act approved and in force April 29, 1887.]

**168g. WARRANT FOR COLLECTION.** § 61. The warrant for collection of any such special assessment to be made hereunder shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed and the respective amounts assessed upon each lot, tract, piece or parcel of land and the year in which each installment is payable. [Added by act approved and in force April 29, 1887.]

**168h. PROCEEDINGS FOR JUDGMENT.** § 62. Proceedings for judgment and sale against lots, tracts, pieces and parcels of land for which the assessments have not been paid shall be had in the same manner as now provided upon each installment in the respective years in which they become due and payable, and the laws now in force in so far as they are applicable shall apply. [Added by act approved and in force April 29, 1887.]

**168i. PAYMENT FOR IMPROVEMENT DONE—VOUCHER.** § 63. Payment for any improvement done or performed under the provisions of this act shall be made in the following manner: From the amount of the first payment when it shall be collected shall first be paid all the costs of making the said assessment, including court costs. The remainder of said payment shall then be paid to

the person or persons entitled thereto on the contract for said work. The amount remaining due upon such contract for said improvement shall then be divided into four equal parts, and the authorities of any city, incorporated town or village shall issue a voucher to the person or persons entitled thereto for each part, payable in the same order and manner that the installments are payable, and said vouchers shall bear the same rate of interest per annum that the said installments bear, which interest shall be paid on the first day of July, October or January, annually after their date, according to the date of the confirmation of the respective assessments, to the person holding such voucher. Said vouchers shall be made payable to the order of the person or persons entitled thereto, and state the improvement and installments for which they are issued. They shall also contain the following:

In consideration of the issuing of this voucher, I hereby for—  
—sel——heirs, executors, administrators and assigns accept the same  
in full payment of the amount herein stated, and relinquish any and all  
claims and liens I have against the (city, incorporated town or village)  
of——for the work mentioned herein, or for the payment of this voucher,  
except from the collection of the installment herein named.

(Signature of person receiving the same.)

[As amended by act approved June 15, 1891.]

**168j. PERSON ACCEPTING VOUCHERS.** § 64. Any person or persons accepting the vouchers, as provided herein, for work done or performed upon any local or public improvements shall have no claim or lien upon the city, incorporated town or village in any event for the payment of said vouchers or the interest, except from the collection of the installments for which said vouchers are issued, and provided, that this section shall apply to all holders of any of such vouchers, whether the original contractor or their assigns. [Added by act approved and in force April 29, 1887.]

**168k. SURPLUS REMAINING—NOTICE.** § 65. If upon the payment of the money and issuance of the vouchers, as provided for in the last section hereof, there shall be any surplus remaining of said special assessment over and above the payment aforesaid, it shall be the duty of the proper authorities of said city, incorporated town or village to at once cause the respective installments to be credited with their respective proportion of said surplus, and in case any person or persons have, before said credit has been entered, paid his assessment or any part thereof without having received the benefit of said credit, the proper authorities shall at

once cause notice of such over-payment to be sent by mail to the person by whom such over-payment was made, and upon proper proofs the same shall be repaid. [Added by act approved and in force April 29, 1887.]

**168l. SPECIAL ASSESSMENT—WHEN CITY MAY ADVANCE TO PAY DAMAGES.** § 66. In case said special assessment shall be made for the purpose of paying the compensation awarded for the taking or damaging of private property for public use, payments may be made as provided herein, in case of contracts let and the acceptance by the owner of any lot, piece or tract taken or damaged of the vouchers issued shall be deemed payment to said owner or owners of said compensation, and upon proof thereof, an order of possession may be entered, as is now provided: *Provided*, that after a special assessment has been confirmed to pay for property taken or damaged for public use, the city council in cities and the president and board of trustees in villages may appropriate and advance a sufficient amount to pay the compensation awarded, or so much of the same as shall not have been paid by acceptance of vouchers as herein provided: *Provided*, however, that such appropriation and advancement shall in no way affect the collection of said assessment, but the same shall be collected in the same manner as though said appropriation had not been made: And, *provided*, further, that when such assessment shall have been collected, that the same together with the interest thereon shall be paid into the general fund of said city, incorporated town or village in liquidation of the amount so advanced. [Added by act approved and in force April 29, 1887.]

**168m. WHEN COLLECTED BY INSTALLMENT.** § 67. In all cases where special assessments shall have been made, but not confirmed it shall be lawful for any city, incorporated town or village, through its legislative body, to provide by ordinance that said assessment may be collected by installments, under the provisions of this act. [Added by act approved and in force April 29, 1887.]

## ARTICLE X.

## MISCELLANEOUS PROVISIONS.

## SECTION.

## WATER.

1. Water—borrow money.
2. Acquiring property for water works—jurisdiction over.
3. Regulations—rates—taxation, etc.
4. Tax-payer may enforce rights in name of city, etc.
5. Maps—approval of.
6. Inhabitants competent as jurors, etc.
7. Population—census.
8. Municipal year.
9. City or village need not give appeal bond.

**169. WATER—BORROW MONEY.** § 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs, or water works. [See § 230–239.]

**170. ACQUIRING PROPERTY FOR WATER WORKS, ETC.** § 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend. [See § 232.]

**171. REGULATIONS—RATES—TAXATION, ETC.** § 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of the said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or



buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, (whether) the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

**172. TAX-PAYER MAY ENFORCE RIGHTS IN NAME OF CITY, ETC.**

§ 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended, or released without authority of law: *Provided*, that such tax-payer shall file a bond for all costs, and be liable for all costs, in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

**173. MAPS—APPROVAL OF.** § 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or to some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved.

**174. INHABITANTS COMPETENT AS JURORS, ETC.** § 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

**175. POPULATION—CENSUS.** § 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this state, or of such city or village; and it shall be the duty of the secretary of state, upon the publication of any state or United States census, to certify to each city or village the num-



ber of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this state shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, state, city or village census so taken.

**176 MUNICIPAL YEAR.** § 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual elections unless otherwise provided by ordinance.

**177. CITY OR VILLAGE NEED NOT GIVE APPEAL BOND.** § 9. When in any suit the city or village prays an appeal from the judgment of any court of this state to a higher court, it shall not be required to furnish an appeal bond.

#### FERRIES AND BRIDGES.

AN ACT to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits and to control the same. Approved and in force May 5, 1879.

**194. BRIDGES—FERRIES—LIMITS—TOLL.** § 1. That it shall be lawful for any city or village within this state to build, or acquire by purchase, lease or gift, and to maintain ferries and bridges, and the approaches thereto, for each ferry or bridge within the corporate limits, or at any point within five (5) miles of the corporate limits of such city or village. That all such ferries and bridges shall be free to the public and no toll shall ever be collected by any such city or village authority: *Provided*, that where any city or village has become or is the owner of any toll bridges or ferries, and is keeping up and maintaining the same by authority of law, all ownership and rights vested in such city or village shall continue in and be held and exercised by them, and they may from time to time fix the rates of toll on such bridges and ferries:

*And, provided, further*, that in all cases where a bridge shall hereafter be built, a ferry acquired across a navigable stream by any city or village, in whole or in part, where the population of such city or village furnishing the principal part of the expenses thereof shall not exceed five thousand (5,000) inhabitants, and where it is necessary to maintain a draw and lights, and a debt shall be incurred by such city or village for such purpose, then a reasonable

NOTE. Article XI, relating to the organization of villages, is omitted.

toll may be collected by the city or village contracting such indebtedness, to be set apart and appropriated to the payment of such indebtedness, interest thereon and the expenses of keeping such bridge in repair, and of maintaining, opening and closing the proper draws therefor, and lights; or in case of a ferry, of keeping the approaches and boat in repair and operating the same. [As amended by act approved May 25, 1881; in force July 1, 1881.]

**194a. CONTROL BY CITY.** § 2. Every bridge and ferry so owned or controlled by such city or village, and the approaches thereto, when outside the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes, and in effect as though such bridge or ferry and the approaches thereto, were situated within the corporate limits of such city or village, and in such case, the county may assist in the construction of said bridge, as is now provided by law.

#### TRAVEL ON BRIDGES IN CITIES, TOWNS, ETC.

AN ACT to regulate the manner of travel upon bridges, the whole or a part of which are owned or controlled by cities, villages and towns of this state, and to provide for the enforcing of the same. Approved and in force May 13, 1879.

**194b. PENALTY FOR FAST DRIVING, ETC.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whoever shall ride or drive faster than a walk, over any bridge in this state, owned or controlled, either the whole or a part thereof, by any city, village or town of this state, shall, for each offense, be fined in a sum not exceeding ten dollars nor less than one dollar, *Provided*, that a notice shall be posted on such bridge, warning against riding, or driving, on such bridge faster than a walk, such fine to be recovered, with costs, before any justice of the peace or police magistrate of the county where the offense is committed, upon sworn complaint in writing, upon which a warrant for the arrest of the offender shall issue, and it shall be the duty of every constable of the county, and every marshal, policeman and police constable, and all other officers of such city, village or town, owning or controlling the whole or in part such bridge, having the power to make arrests, whenever aforesaid offense is committed in the view of such officer or officers, to forthwith take in custody the person or persons so committing aforesaid offense, and bring him or them before any justice of the peace or police magistrate of the county, to be dealt with according to law, and such officer so taking in custody such offender, or any officer of

such city, village or town, owning or controlling the whole or a part of such bridge where such offense is committed, may take the complaint upon which warrant shall issue against the offender, all fines collected under this act, shall be paid into the common school fund of the county. WHEREAS, the law is inadequate for the protection of bridges which are owned or controlled, the whole or a part thereof, by cities, villages or towns of this state, therefore an emergency exists, and this act shall take effect from and after its passage.

#### ANNEXING AND EXCLUDING TERRITORY.

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages. Approved April 10, 1872; in force July 1, 1872.

#### SECTION.

1. Petition to be annexed—annexing.
2. Annexing one corporation to another.
3. Proceeding by corporation to annex territory.
4. Notice of proceedings.
5. Objections to annexation—trial.
6. Finding—cost, etc.
7. Proceedings by owners to be annexed.
8. Proceedings to disconnect.
9. Map and ordinance recorded.
10. School districts may use this act.
11. Judicial notice of change.

**195. PETITION TO BE ANNEXED, ETC. § 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be) may, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town,) in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: Provided, that no portion, less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.*

**196. ANNEXING ONE CORPORATION TO ANOTHER.** § 2. Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *Provided*, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporation so uniting may, by ordinance, fix the term of the annexation, which shall have the force and effects of a binding contract: *Provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village. *And, provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

**197. PROCEEDING BY CORPORATION TO ANNEX, ETC.** § 3. When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town, by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: *Provided*, that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two more cities or towns, desiring to become united under this act,) shall contain an actual resident population of at least one hundred and fifty inhabitants to each section or fractional part of a section so sought to be annexed—which said

fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

**198. NOTICE OF PROCEEDINGS.** § 4. When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then the nearest newspaper published in this state,) and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.

**199. OBJECTIONS TO ANNEXATION—TRIAL.** § 5. The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated), shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

**200. FINDING—COSTS, ETC.** § 6. If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can so be done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury cases.

**201. PROCEEDINGS BY OWNERS TO BE ANNEXED.** § 7. When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incor-

porated city, village or town, shall, by petition, in writing, signed by them, and filed in the circuit court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

**202. PROCEEDINGS TO DISCONNECT.** § 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by section four, five and six of the act for the annexation of territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

**203. MAP AND ORDINANCE RECORDED.** § 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town, (as the case may be,) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

**204. SCHOOL DISTRICTS MAY USE THIS ACT.** § 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act.

**205. JUDICIAL NOTICE OF CHANGE.** § 1. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.

AN ACT in relation to the disconnection of Territory from Cities and Villages. Approved and in force May 29, 1879.

**205a. DISCONNECTING TERRITORY.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,*



That whenever the owners representing a majority of the area of land of any territory within any city or village, and being upon the border and within the boundary thereof, and not laid out into city or village, lots or blocks, shall petition the city council of such city, or the trustees of such village, praying the disconnection of such territory therefrom; such petition shall be filed with the city clerk of such city, or the president of the trustees of such village, accompanied with a certificate of the county clerk, showing that all city taxes or assessments due up to the time of presenting such petition are fully paid, at least ten days before the meeting of such city council, or trustees, at which it is proposed to present such petition, and the city clerk of such city, or president of the trustees of such village, shall present such petition to the city council or trustees, as the case may be, and upon such presentation, the city council of such city or trustees of such village may, by ordinance, to be passed by a majority of the members elected to such city council or board of village trustees, disconnect the territory described in such petition from such city or village: *Provided*, however, that the territory so disconnected, shall not thereby be exempted from taxation, for the purpose of paying any indebtedness contracted by the corporate authorities of such city or village, while such territory was within the limits thereof, and remaining unpaid, but the same shall be assessed and taxed for the purpose of paying such indebtedness, the same as if such territory had not been disconnected, until such indebtedness is fully paid.

**205b. ORDINANCE RECORDED.** § 2. A copy of the ordinance disconnecting territory from any city or village, certified by the clerk of such city, or president of the trustees of such village, shall be filed for record and recorded in the recorder's office of the county in which such disconnected territory is situated, and another copy of such ordinance so certified, shall be filed with the clerk of the county court of the county in which such disconnected territory is situated.

**205c. JUDICIAL NOTICE.** § 3. All courts in this state shall take judicial notice of cities and villages, and of the changes made in their territory under this act.

**205d. REPEAL.** § 4. All acts and parts of acts in conflict with this act are hereby repealed.

**205e. EMERGENCY.** § 5. WHEREAS, there is no valid law in force in this state enabling cities and villages to decrease their corporate limits, and special legislation therefor by the General



Assembly is forbidden by the constitution of this state, therefore an emergency exists why this act should take effect immediately: therefore this act shall take effect and be in force from and after its passage.

#### HOUSES OF ILL-FAME.

AN ACT to prevent the licensing of houses of ill-fame, and the official inspection or medical examination of the inmates thereof, in the incorporated cities, towns and villages of this state. Approved and in force March 27, 1874.

##### SECTION.

1. Licensing and medical inspection forbidden.
2. Emergency.

**217. LICENSING, ETC.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for the corporate authorities of any city, town or village in this state to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any board of health (or any member or employee of the same) now existing, or which may hereafter exist under the laws of this state, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same.

**218. EMERGENCY.** § 2. WHEREAS, the legislative authorities of certain cities in this state are about to license houses of ill-fame, therefore an emergency exists why this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

#### POLICE DISTRICTS AND THE POWERS AND DUTIES OF POLICE THEREIN.

AN ACT to define police districts and the powers and the duties of the police therein. Approved and in force May 13, 1887.

**219. WHAT SHALL BE A POLICE DISTRICT.** § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the territory which is embraced within the limits of

NOTE. For act relating to the annexation of cities, incorporated towns and villages, see session laws of 1889.

adjoining cities, villages and incorporated towns, within any county in this state shall be a police district.

**220. POLICE MAY GO INTO ANY PART OF SUCH DISTRICT TO SUPPRESS RIOT, ETC.—DUTY OF MAYOR.** § 2. It shall be lawful for the police of any city, village or incorporated town in such district to go into any part of such district to suppress riot, to preserve the peace and protect the lives, rights and property of citizens, and for such purpose it shall be the duty of the mayor of any city, the president or the president and board of trustees of any village or incorporated town in such district, and the chiefs of police therein, to use the police forces under their control anywhere in such district.

**221. EMERGENCY.** § 3. WHEREAS, an emergency exists, this act shall be in force from and after its passage.

#### WATER WORKS.

AN ACT to enable cities, incorporated towns and villages to contract for a supply of water for public use and to levy and collect a tax to pay for water so supplied. Approved June 26, 1885; in force July 1, 1885.

##### SECTION.

1. Power to contract for water.
2. Tax.

**242. POWER TO CONTRACT, ETC.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cities, incorporated towns and villages where water-works have been or may hereafter be constructed by any person or incorporated company, the city, town or village authorities in such cities, incorporated towns and villages may contract with such person or incorporated company for a supply of water for public use, for a period not exceeding thirty years.

**243. TAX.** § 2. Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

#### WATER-WORKS—FIXING MAXIMUM RATES.

AN ACT to enable cities, towns and villages incorporated under any general or special laws of this state to fix the rates and charges for the supply of water furnished by any individual company or corporation to any such city, town or village and the inhabitants thereof. Approved June 6, 1891; in force July 1, 1891.

**243a.** MAY FIX RATES FOR WATER SUPPLY. § 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That the corporate authorities of any city, town or village, now or hereafter incorporated under any general or special laws of this state, in which any individual, company or corporation has been or hereafter may be, authorized by such city, town or village, to supply water to such city, town or village and the inhabitants thereof, be and are hereby empowered to prescribe by ordinance maximum rates and charges for the supply of water furnished by such individual, company or corporation to such city, town or village and the inhabitants thereof, such rates and charges to be just and reasonable. And in case the corporate authorities of any such city, town or village shall fix unjust and unreasonable rates and charges, the same may be reviewed and determined by the circuit court of the county in which such city, town or village may be.

#### SALARIES OF CITY OFFICERS.

AN ACT to enable the corporate authorities of cities to establish and fix the salaries of city officers. Approved and in force April 23, 1873.

#### SECTION.

1. When to be fixed—not changed during term.
2. Emergency.

**244.** WHEN TO BE FIXED, ETC. § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* It shall and may be lawful for the common council or legislative authority of any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employee over and above that provided in manner aforesaid. [See § 84-85.]

**245.** EMERGENCY. § 2. WHEREAS, the corporate authorities of certain cities in this state have no power to establish or fix

salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect: therefore, this act shall take effect and be in force from and after its passage.

#### REBATE AND REDUCTION OF TAXES, ETC.

AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cities, or board of trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements. Approved and in force January 18, 1872.

##### SECTION.

1. Rebate when property destroyed.
2. Reduce or release tax or assessment.

**250. REBATE WHEN PROPERTY DESTROYED.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not, then the city clerk or town clerk, and the tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

**251. REDUCE OR RELEASE TAX, ETC.** § 2. That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce or vacate, or repeal such appropriation bill, or any part of the same,

and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

### SEWERAGE, WATER AND LIGHT TAXES.

AN ACT in relation to the levy and collection of taxes for sewerage and water-works in cities of this state, that may have established a system of sewerage and water-works for such city, and to repeal an act therein named, and to authorize the cities, villages and incorporated towns of this state to levy and collect taxes to pay for water and light. Approved June 21, 1883; in force July 1, 1883.

#### SECTION.

1. Sewerage fund tax.
2. Sewerage fund and light tax.
3. Repeal.

**253. SEWERAGE FUND TAX.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the legislative authority of any city which now has, or may hereafter have established a system of sewerage for such city shall have power, annually, to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided*, however, that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose: *Provided*, further, that a two-thirds majority of all the members elect of the legislative authority of such city, may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city: and, *provided*, such "sewerage fund tax" shall not be included prior to the year, 1891, in the aggregate amount of taxes as limited by section one (1) of article eight (8) of an act for the incorporation of cities and villages approved April 10, 1872. [As amended by act approved and in force March 22, 1889.]

**254. SEWERAGE FUND AND LIGHT TAX.** § 2. The legislative authority of any city which now has, or which may hereafter have established or hired water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, whether organized under a special charter or the general law, not to exceed one mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water works, or to the creation of a sinking fund to be applied to the establishment of water works, which tax shall be known as the "Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided*, that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority, the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor: *Provided, further*, that two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city: *And, provided, further*, that the legislative authority of each of the cities, villages and incorporated towns in this state, with the concurrence of two-thirds of the members thereof, shall be authorized to levy, and collect annually, upon the taxable property within its limits, in addition to all other taxes now authorized by law, a tax of not exceeding three mills on the dollar of such taxable property to be used exclusively for the purpose of lighting streets, and a further tax of not exceeding two mills on the dollar of such taxable property, to be used exclusively for the purpose of supplying water to such city, village or incorporated town: *Provided, also*, that nothing in this act shall be so construed as to increase the amount of aggregate taxes that may be levied in any one year by any city or village as provided in section one (1), of article VIII of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

**255. REPEAL.** § 3. An act entitled "An act in relation to the levy and collection of taxes for sewerage and water works in the cities of this state, that may have established a system of sewerage and water works for such city," approved and in force April 22, 1871, is hereby repealed.

## TAXES.

AN ACT in regard to the assessment and collection of municipal taxes. Approved May 23, 1877; in force July 1, 1877.

**256.** HOW MAY BE ASSESSED AND COLLECTED. § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all cities, villages, and incorporated towns, in this state whether organized under the general law or special charters, shall assess and collect their taxes in the manner provided for in article eight (8) of the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue laws of this state; and all acts, or parts of acts, inconsistent with the provisions of this act are hereby repealed. [See § 111-115.]

## SURPLUS FUND OF TAX.

AN ACT to prohibit any city, town or village in this state from receiving from the county treasury a greater proportion of the surplus fund or tax, than shall be received by any other city, town or village within the same county. Approved May 4, 1877; and in force July 1, 1877.

## SECTION.

1. Proportion of tax.
2. Drawback—amount city, etc., may receive.

**257.** PROPORTION OF TAX. § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no city, town or village within any county in this state, shall be entitled to or shall receive from the county treasury of such county any greater proportion of surplus of all taxes which may be collected for county purposes, than any other city, town or village within the county.

**258.** DRAWBACK—AMOUNT CITY, ETC. § 2. Nor shall any such city, town or village be entitled to, or receive from the county treasury any greater drawback of its proportion of the taxes paid into the county treasury by reason of any appropriation by the county board, out of the county treasury for the making and repairing of roads and highways, the building and repairing of bridges in such county, without any such city, town or village within such county, than is now allowed by law to all other cities, towns and villages within the same county. Any acts, or parts of acts, conflicting with this act, are hereby repealed.



## LABOR ON STREETS.

AN ACT providing for labor on the streets and alleys of all cities and villages in this state. Approved May 31, 1879; in force July 1, 1879.

## SECTION.

1. Labor on streets, etc.
2. Fines and penalties.

**258a. LABOR ON STREETS, ETC.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council in all cities and the president and board of trustees in all villages in this state, may have power, by ordinance, to require every able-bodied male inhabitant of any such city or village, above the age of twenty-one years and under the age of fifty years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village, not more than two (2) days in each year; but such ordinance shall provide for commutation of such labor at seventy-five cents per day.

**258b. FINES AND PENALTIES.** § 2. Any such city council or president and board of trustees of any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act.

## SIDEWALKS.

AN ACT to provide additional means for the construction of sidewalks in cities, towns and villages. In force July 1, 1875.

## SECTION.

1. Sidewalks by taxation.
2. What ordinance may provide.
3. In case of default to construct sidewalk.
4. Special tax—duty of clerk—report.
5. General officer to obtain judgment—by what law governed.
6. When constructed by owner, may obtain order.

**259. SIDEWALKS BY TAXATION.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the mode now authorized by law, any city or incorporated town or village may by ordinance provide for the construction of sidewalks therein, or along or upon any street or part of street therein, and may, by such ordinance, provide for the

payment of the whole or any part of the cost thereof by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk is ordered, and such special taxation may be either by a levy on any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata*, upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of state and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalks, or in proportion to their superficial area, as may be provided by the ordinance ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town or village raised by general taxation upon the property thereof, and not otherwise appropriated.

**260. WHAT ORDINANCE MAY PROVIDE.** § 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide that the materials and construction shall be under the supervision of, and subject to the approval of some officer or board of officers of such city, town or village, to be designated in said ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk, to construct a sidewalk in front of their respective lots or parcels in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said materials to be furnished and sidewalk to be constructed by said city, town or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided.

**261. IN CASE OF DEFAULT, ETC.** § 3. In case of the default of any lot owner or owners to construct the sidewalks, as required by ordinance, and the same shall be constructed by the city, town or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default, by an action of debt in the name of the city, town or village, against such owners respectively, in any court of competent

jurisdiction, or upon the completion of the work by such city, town or village. Such ordinance may provide that a bill of the cost of of such sidewalk, showing in separate items the cost of grading, materials, laying down and supervision, shall be filed in the office of the clerk of such city, town or village, certified to by the officer or board designated by said ordinance to take charge of the construction of such sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said cost by frontage, superficial area or assessed value; whereupon said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of the said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax list shall be filed in the office of said clerk; and said clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax list to be due from the respective owners of the lots or parcels of land touching upon the line of said walk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the clerk of such city, town or village, within sixty days from the date of their issue; and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceeding by garnishment may be resorted to as in case of garnishment in aid of collection of judgments at law, and all moneys so collected and paid over to said clerk, shall be, by him, immediately paid over to the treasurer of said city, town or village.

**262. SPECIAL TAX—DUTY OF CLERK, ETC.** § 4. Upon the failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as said ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due the county or state, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract, together with a copy of the

ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said report when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax as mentioned in said report, is due and unpaid.

**263. GENERAL OFFICER TO OBTAIN JUDGMENT, ETC. § 5.** When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid the county and state, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of the state, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

**264. WHEN CONSTRUCTED BY OWNER, ETC. § 6.** Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of the general fund of such city, town or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town or village, an itemized statement of the cost of such sidewalk so constructed by him, verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the council of such city, town or village shall thereupon, at its first meeting thereafter, allow and order to be issued to such owner an order on the treasurer of such city, town or village, for the cost of the construction of such sidewalk, less the

amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed. [Approved April 15, 1875.]

### ELECTIONS.

AN ACT to provide for the time of opening and closing the polls during elections of cities, towns and villages in this state. Approved May 29, 1879; in force July 1, 1879.

**265. TIME OF OPENING AND CLOSING POLLS.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all city, town or village elections, in this State, the polls shall remain open from eight (8) o'clock A. M., until seven (7) o'clock P. M., any law in any special charter to the contrary notwithstanding.

### PUNISHMENT OF PERSONS VIOLATING ORDINANCES.

AN ACT to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this state. Approved and in force April 12, 1879.

#### SECTION.

1. Arrest—imprisonment—work-house.
2. Repeal.

**267. ARREST—IMPRISONMENT, ETC.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all actions for the violation of any ordinance of any city or village organized under any general or special law of this state, the first process shall be a summons: *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fine, penalty, and cost

shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, work-house, house of correction or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each day's work on account of such fine and costs.

**268. REPEAL.** § 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

#### SUITS—HOW BROUGHT.

AN ACT entitled "An act in regard to suits by incorporated cities and villages, and to enforce penalties and recover fines for violating the ordinances thereof." Approved May 31, 1879; in force July 1, 1879.

**270. SUITS—HOW BROUGHT, ETC.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this state, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

#### TO AUTHORIZE CITIES TO CONSTRUCT AND REPAIR DRAINS, ETC.

AN ACT to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes and pumping works for drainage purposes by special assessment upon the property benefitted thereby. Approved June 22, 1885.

#### CITIES AND VILLAGES EMPOWERED TO CONSTRUCT DRAINS, ETC.

§ 1. *Be it ordained by the People of the State of Illinois, represented in the General Assembly,* That the corporate authorities of cities and villages are hereby vested with power to construct drains, ditches levees and dykes, to erect pumping works, and to acquire the necessary land and machinery for such purposes and otherwise to



provide for draining any portion of the lands within their corporate limits, by special assessment upon the property benefitted thereby.

**DRAINAGE IMPROVEMENTS BY SPECIAL ASSESSMENTS.** § 2. That the corporate authorities of cities and villages are hereby vested with the power to maintain and keep in repair such drains, ditches, levees, dykes, pumping works and machinery and such drainage improvement by special assessment upon the property benefitted thereby: *Provided*, that no lot, block, tract or parcel of land shall be assessed more than once in any one year for such maintenance and repair.

**PROCEEDINGS IN.** § 3. All the proceedings for the making of the improvements in this act mentioned, and for the maintenance and repair thereof, and for the levy and collection of the special assessments to defray the cost of the same, shall be in accordance with the provisions of article nine of the general act for the incorporation of cities and villages approved April 10, 1872.

**TO AUTHORIZE CITIES AND VILLAGES TO CONVEY REAL OR PERSONAL ESTATE NOT NECESSARY, ETC.**

**AN ACT** to authorize cities and villages to convey any real or personal estate, or their right and title therein, when the same shall be no longer necessary for, or profitable to, or its longer retention be for the best interests of such city or village. Approved March 22, 1889.

**CITY COUNCIL OR BOARD OF TRUSTEES MAY PASS ORDINANCE TO SELL REAL OR PERSONAL ESTATE NO LONGER NECESSARY.** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any city or village incorporated under any general or special law of this state, which shall have acquired or hold any real or personal estate, for any purpose whatsoever, is hereby authorized and empowered by ordinance passed by three-fourths of the members of the city council of any such city, or the board of trustees of any such village, at any regular or any special meeting called for such purpose, to sell such property, when the same shall, in the opinion of such majority of such city council or board of trustees, be no longer necessary, appropriate or required for the use of such city or village, or profitable to, or its longer retention be for the best interests of such city or village.

**WHAT ORDINANCE SHALL SPECIFY—NOTICE OF SALE—OPENING OF BIDS, ETC.** § 2. Such ordinance shall specify the location of such real or personal estate and the use thereof, of whatever kind the same



may be, and before any sale shall be made, under or by virtue of any such ordinance, by the city council of any such city, or the board of trustees of any such village, such ordinance and the proposal to sell shall be published in one of its daily or weekly papers for a period of not less than sixty days, and if no paper be published in such city or village, then it shall be published in some paper of general circulation in this state nearest to such city or village; such notice shall contain an accurate description of such property, the purpose for which it is used, and at what meeting the bids will be considered and opened, and shall advertise for sixty days for bids therefor; all such bids shall be opened only at a regular meeting of such city council or board of trustees, and shall be accepted only upon a vote of three-fourths of the members of such city council or board of trustees: *Provided, however,* That the city council or board of trustees may, by a majority vote, reject any and all bids.

BY WHOM AND WHEN CONVEYANCE TO BE MADE. § 3. Upon any bid having been accepted, and the purchase price duly paid or secured, the mayor and city clerk, or the president of the board of trustees and the clerk of such board, shall have the power to convey such real or personal estate and transfer the same to such party or parties whose bids have been accepted, by proper deed or deeds of conveyance, stating therein the price therefor, with the seal of the corporation.

#### PLEASURE DRIVEWAYS IN INCORPORATED CITIES, VILLAGES AND TOWNS.

AN ACT to provide for pleasure driveways in incorporated cities, villages and towns. Approved and in force March 27, 1889.

PLEASURE DRIVEWAYS—HOW ESTABLISHED. § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council in cities, the president and the board of trustees in villages, or the board of trustees in incorporated towns, whether incorporated under the general law or special charter, shall have the power to designate by ordinance the whole or any part of not to exceed two streets, roads, avenues, boulevards or highways, under their jurisdiction, as a public driveway, to be used for pleasure driving only, and to improve and maintain the same, and also to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain not more than two roads, streets or avenues, and designate the same as pleasure driveways, to be used for pleasure driving only: *Provided,* said powers shall only be exercised when

said corporate authorities are petitioned thereto by the owners of more than two-thirds of the frontage of land fronting upon said proposed pleasure driveway.

MAY BE LAID OUT UNDER ARTICLE 9. § 2. Said pleasure driveways may be laid out, extended and improved under the provisions of article 9 of an act to provide for the incorporation of cities and villages, approved April 10, 1872, in force July 1, 1872, and any and all amendments thereto.

POWER OF CORPORATE AUTHORITIES TO REGULATE, ETC. § 3. Said corporate authorities may, by ordinance, regulate, restrain and control the speed of travel upon said pleasure drives, and prescribe the kind of vehicles that shall be allowed upon the same, and in all things may regulate, restrain and control the use of said pleasure driveways by the public or individuals, and may exclude therefrom funeral processions, hearses and traffic teams and vehicles, so as to free the same from any or all business traffic or objectionable travel, and make the same a pleasure driveway for pleasure driving only, and may prescribe in such ordinances such fines or penalties for the violation thereof as they are allowed by law to prescribe for the violation of other ordinances.

EMERGENCY. § 4. Whereas, certain municipalities are about establishing such pleasure driveways or boulevards, and doubts exist as to their powers so to do; therefore an emergency exists for the passage of this act, and the same shall take effect and be in force from and after its passage.

#### STEAM BOILER EXPLOSIONS.

AN ACT to insure the better protection of life and property from steam boiler explosions. Approved June 3, 1889. In force July 1, 1889.

PERSONS IN CHARGE OF STEAM BOILERS—LICENSE—PENALTY.  
§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the city council in cities, and the president and board of trustees in towns and villages, shall have power to adopt ordinances within their respective limits to provide for the examination, licensing and regulation of persons having charge of steam boilers under steam pressure, exhausting through an engine, to fix the amount, terms and manner of issuing and revoking licenses to such persons; to provide that it shall not be lawful for any person to exercise, within the limits of the respective cities, towns and villages which may adopt such ordinances, the business of oper-

ating steam boilers, under steam pressure, exhausting through an engine, without a license; and to provide that any person violating the provisions of such ordinances shall be liable to a penalty for each breach thereof.

BOARD TO EXAMINE—LICENSE, ETC. § 2. To require that all persons engaged in such occupation within the jurisdiction of such towns, cities and villages so adopting such ordinances, shall submit to an examination by a competent board of examiners, to be appointed by such councils and boards of trustees, touching their competency and qualifications in regard to such vocations, with power to such board of examiners to license such persons as may be found capable and trustworthy in that behalf.

#### TO PREVENT ANIMALS RUNNING AT LARGE IN CITIES, ETC.

AN ACT to prevent animals from running at large within the corporate limits of incorporated cities, villages and towns. Approved June 16, 1891. In force July 1, 1891.

NOT ALLOWED TO RUN AT LARGE WITHIN CORPORATE LIMITS, ETC. § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That domestic animals of the species of horse, mule, ass, cattle, sheep, goat or swine, shall not be allowed to run at large within the corporate limits of any incorporated city, village or town in this state, any law or ordinance to the contrary notwithstanding.

PENALTY. § 2. Any owner of any such domestic animal, who shall suffer or allow the same to run at large in any incorporated city, village or town within this state, shall be fined in any sum of not less than one dollar, nor more than ten dollars for each and every animal so suffered or allowed to run at large, which fine may be recovered before any justice of the peace of the county.

RESTRAINT OF ANIMAL—DAMAGE. § 3. Whenever any such domestic animal shall be found running at large contrary to the provisions of this act, the same may be restrained by any resident of the incorporated city, village or town in which the same is found running at large until the fine and costs are paid, and also all damage done by any such domestic animal so running at large, to the property of the person restraining.

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NOTE: Only such parts of the statutes are included in this revision as are applicable to the City of Danville at the present time.

ORDINANCES  
OF THE  
CITY OF DANVILLE.



# AN ORDINANCE

FOR REVISING AND CONSOLIDATING THE GENERAL ORDINANCES OF  
THE CITY OF DANVILLE.

WHEREAS, It is expedient that the general ordinances of this city should be consolidated and arranged in appropriate chapters and sections, and that an index to the whole should be made; therefore,

*Be it ordained by the City Council of the City of Danville in manner following—that is to say:*

## CHAPTER I.

### ADDITIONS, MAPS AND PLATS.

#### SECTION.

1. Additions to correspond with streets.
2. Plats must be submitted to council.
3. Penalty for recording plat before approval, etc.
4. Penalty for selling lots, etc.
5. Certificate of approval.

#### ADDITIONS MUST CORRESPOND WITH ESTABLISHED STREETS.

§ 1. Any addition which may hereafter be made to the city of Danville, or any lands adjoining or within the same, which may be laid out into lots or blocks, shall be so laid out, surveyed and platted, that the blocks or other subdivisions thereof shall conform to the regular blocks of the original town plat, or with the regular blocks of the additions adjoining such lands or additions so proposed to be laid out, and the streets and alleys shall correspond with, and conform to the previously established streets and alleys with which they may connect, and continue the same.

PLATS MUST BE SUBMITTED TO CITY COUNCIL. § 2. Any person who shall survey or plat any addition to the city of Danville, or any

lands adjoining or within the same, into lots, blocks, or other subdivisions, or shall re-subdivide any block, lot, sub-lot, out-lot, or part thereof, within said city, shall submit the map, plat or subdivision thereof to the city council for its approval; and no such map, plat or subdivision shall be valid, or be admitted to record in the office of the recorder of deeds in and for Vermilion county, until the same has been so submitted, and approved by the city council.

**PENALTY FOR RECORDING.** § 3. Any person who shall, as owner of the land so surveyed or platted, or as the agent of any such owner, cause to be recorded in the recorder's office of Vermilion county, any such map, plat or subdivision mentioned in section 2, without having the same submitted to and approved by the said city council, before filing the same in said recorder's office for record, shall be fined not less than twenty-five dollars, nor more than one hundred dollars.

**PENALTY FOR SELLING LOTS, ETC.** § 4. Any person who, as owner of the land so surveyed or platted, or as the agent of any such owner, shall sell, or offer for sale any lot, block, subdivision, or part thereof, in any such addition, division or subdivision of lands as mentioned in section 2 hereof, before the map, plat or subdivision thereof has been approved by said city council, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense.

**CERTIFICATE OF APPROVAL.** § 5. If the city council approve any map or plat of any addition, or subdivision submitted to it, as herein provided, a certificate of such approval shall be endorsed upon said map or plat, signed by the mayor and attested by the city clerk.



## CHAPTER II.

## AMUSEMENTS.

## SECTION.

1. Classification of amusements.
2. License for required.
3. Licenses and fees.
4. Class and fee decided by mayor.
5. License subject to ordinances.
6. Entertainments where liquors are sold.
7. Proprietors of Halls to see that license is obtained.
8. Chairs, etc., in aisles forbidden.
9. Persons loitering in hallways or on sidewalks forbidden.
10. Minors forbidden at shows where liquors sold.
11. Indecent plays.
12. Good order to be maintained.
13. Disorderly conduct.
14. Processions on street forbidden—When.
15. Shooting galleries.
16. Rate of license.
17. Target shooting in uninclosed places forbidden.
18. Shooting firearms.
19. Lung-testers, galvanic batteries, etc.

CLASSIFICATION OF AMUSEMENTS. § 1. For the purpose of providing for the licensing and taxation of theatricals, shows, amusements, and all public exhibitions for gain, the same are hereby divided into three classes, which shall be known as first, second and third class, viz :

*First.* Entertainments of a regular dramatic or operatic character, and negro minstrels, given in theaters or opera houses, shall be known as entertainments of the first class.

*Second.* Concerts, or other musical entertainments, public readings, exhibitions of paintings or statuary, panoramas, performance of feats of jugglery, sleight-of-hand, or necromancy, exhibitions of natural or artificial curiosities, variety shows, and other entertainments of every kind not mentioned in this section, which may be given in theatres, opera houses or public halls, shall be known as entertainments of the second class.

*Third.* Circuses, menageries, caravans, hippodromes, side-shows, and concerts, minstrel or musical entertainments given under a canvas, exhibitions of monsters or freaks of nature, and all exhibitions that may be given under a canvas not herein specifically mentioned, shall be known as entertainments of the third class.

**LICENSE REQUIRED.** § 2. No person, or persons, shall give any entertainment mentioned in this chapter within the limits of the city, for gain, without a license therefor first had and obtained from the mayor, under the seal of the city, under a penalty of not less than ten dollars, and not exceeding two hundred dollars for each and every such entertainment given in violation of this chapter; *Provided*, that for concerts, exhibitions, musical entertainments, lectures or dramatic entertainments given by or for some home association, society or church, no license shall be required.

**LICENSES AND FEES.** § 3. Each license shall express on its face for what it is granted, and the time it is to continue; and the following license fees shall be charged for each license granted, and shall be paid to the city clerk, viz:

*First.* For entertainments of the first class, not less than five dollars for every performance or exhibition.

*Second.* For entertainments of the second class, not less than three dollars for each performance or exhibition.

*Third.* For entertainments of the third class, the following sums, viz: For each circus or menagerie, or circus and menagerie combined, and each hippodrome, the sum of fifty dollars per day for each day; for each side-show with any menagerie, circus or hippodrome, twenty dollars for each and every day; for each concert, musical or minstrel entertainment, given under a canvas, the sum of ten dollars; for any other entertainment of the third class, a sum of not less than ten dollars is to be charged.

**CLASS AND FEE DECIDED BY THE MAYOR.** § 4. The mayor shall determine, in every case, where application is made for a license under this chapter, the class to which the entertainment belongs, and the amount of the license fee to be paid, where it is not specifically fixed by this chapter; and the person to whom the license is granted shall pay the license fee to the city clerk, who shall issue the license, which license shall be signed by the mayor.

**LICENSE SUBJECT TO ALL ORDINANCES.** § 5. Every license granted under the provisions hereof shall be subject to the ordinances of the city existing when the same shall be issued, or which shall thereafter be passed, so far as the same shall apply.

**ENTERTAINMENTS WHERE LIQUOR IS SOLD.** § 6. No person shall be allowed to give any concert, musical entertainment, dramatic or

variety show, or entertainment of any kind, in any licensed saloon or place where intoxicating liquors are sold, or in any place the entrance to which shall be through a saloon, without a special permit from the city council; any person violating this section shall be fined not less than ten dollars, nor more than two hundred dollars for each violation.

OWNERS, LESSEES OR AGENTS TO SEE LICENSE IS OBTAINED. § 7. It shall be the duty of every proprietor, lessee, or the agent of either in charge of any theatre, hall or other building where public entertainments are given, before he permits any person or persons to use the same for giving any entertainment therein for gain, to see that a license therefor is obtained as herein required, or to obtain the same himself, either in his own name or in the name of the person or persons proposing to give such entertainment, under a penalty of not less than five dollars, nor more than fifty dollars for each offense.

CHAIRS, ETC., IN AISLES. § 8. No chairs, stools or seats of any description shall be placed or permitted to remain in the aisles or passage-ways in any theater, hall or other public building, when the same is occupied by the public, under a penalty of not less than ten dollars, nor more than one hundred dollars for each and every violation of this section. It shall be the duty of the city marshal and all members of the police force to see that this section is strictly observed; and in case of any violation thereof, to forthwith proceed to clear any obstructed aisle or passage-way, and to arrest the offender or offenders.

PERSONS IN HALLWAYS. § 9. It shall not be lawful for boys, or other persons, to loiter or stand in any lobby, hallway or outer entrance to any theatre, hall or other public building, or on the sidewalk adjacent to and within fifty feet of such entrance, after a request to move on, made by the owner, lessee or manager of the entertainment, or any police officer, under a penalty of not less than one dollar, nor more than twenty-five dollars for each offense.

MINORS AT VARIETY SHOWS WHERE LIQUORS ARE SOLD FORBIDDEN. § 10. Whoever shall, by himself, his agent or clerk, admit any minor to any theatre, hall, room or other place where any concert, variety show, or any entertainment of any kind is given, and where wine, beer, or any intoxicating liquors are sold or distributed, or shall permit such minor to remain or be in any such theatre, hall or room, or other place, shall be fined not less than twenty dollars, nor more than one hundred dollars for each offense.

INDECENT PLAY. § 11. No license shall be granted for, or if granted the same shall not be held to authorize, the enacting or per-

formance of any indecent or lewd play or exhibition of any kind ; and any person giving, exhibiting or taking part in any such play or exhibition shall be fined not less than five dollars, nor more than two hundred dollars.

GOOD ORDER SHALL BE MAINTAINED. § 12. Any person giving or conducting any exhibition, show or amusement shall preserve good order in and about the place of his exhibition or amusement, and if necessary for that purpose shall employ at his own expense sufficient police force ; and neglect or failure to so maintain and preserve such good order shall subject such person to a fine of not less than three dollars, nor more than one hundred dollars, and his license may be forfeited in the discretion of the mayor.

DISORDERLY CONDUCT. § 13. Any person who shall conduct himself in a riotous or disorderly manner at any place of exhibition or amusement shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars ; and if any person belonging to or connected with any such show or exhibition shall conduct himself in a riotous or disorderly manner, or cause any disturbance or breach of the peace at the place of exhibition, the license of such show or exhibition may be revoked or forfeited by the mayor in his discretion, and no license at any time thereafter shall be granted for such exhibition unless for good cause shown and with the consent of the city council.

PROCESSIONS IN THE STREET. § 14. No circus, menagerie, caravan, show, band or procession of any kind tending to the collection of persons on the streets and sidewalks, to the obstruction of the same, shall, without the written consent of the mayor, parade or travel upon or through the streets of said city, for the purpose of exhibition or for the purpose of attracting the attention thereto of passers-by or people on the streets and sidewalks ; and no person shall, except where the mayor has given his written consent as aforesaid, beat any drum or other instrument, or blow any horn or other instrument in any of said streets for the purpose of attracting public attention to any circus, menagerie, show or procession. Any person violating this section or any part thereof, either as owner, manager, or employee of any such circus, menagerie, show, band or procession of any kind, shall be fined not less than ten dollars, nor more than two hundred dollars for each offense : *Provided*, that this section shall not apply to any band of music or musical society engaged in serenading, or any civic or military society or other parade made by citizens of said city.

SHOOTING GALLERIES. § 15. No person shall manage, keep or run any shooting gallery or place for target shooting without first obtaining a license therefor, under a penalty of twenty dollars for each offense.

RATE OF LICENSE. § 16. The rate of license for shooting galleries and places for target shooting shall be for one year ten dollars, or two dollars and fifty cents per quarter.

TARGET SHOOTING IN UNINCLOSED PLACES. § 17. No person shall keep, maintain or use any shooting gallery or place for target practice in any alley, street, or in any open or uninclosed place in said city, nor shall any person set up any target in any such open or uninclosed place, or shoot at the same under a penalty of not less than ten dollars for each offense.

SHOOTING OF FIREARMS. § 18. No license issued for maintaining a shooting gallery shall be construed so as to authorize or permit the firing of any gun or other firearm contrary to any ordinance of said city.

LUNG-TESTERS—GALVANIC BATTERIES, ETC. § 19. No person shall exhibit, use or permit others to use, for profit or gain, any lung-tester, lifting apparatus, galvanic battery, striking machine, swing or other machine, instrument or device, without first obtaining a license therefor, under a penalty of five dollars for each offense. The license for any such apparatus shall be at the rate of one dollar per day.

## CHAPTER III.

## ANIMALS AND POUNDS.

## SECTION.

1. Animals prohibited at large.
2. Penalty for stock being at large.
3. Pound and poundkeeper.
4. Poundkeeper to take up same.
5. Duty of policemen.
6. Citizens may take up animals.
7. Redemption of animals from pound.
8. Proceedings where owner is known.
9. Proceedings where owner is unknown.
10. Trial after notice--judgment.
11. Proceedings against non-resident owner.
12. Order of sale.
13. Poundkeeper's notice of sale--sale.
14. Poundkeeper's book--proceeds of sale.
15. Surplus paid to owner.
16. Breaking pound--Hindering the impounding of animals.
17. Wrongful taking up of animals.
18. Report of poundkeeper.
19. Additional pounds and poundkeepers.
20. Fees of marshal and policemen.
21. Geese.
22. Fees of poundkeeper and magistrate.
23. Driving animals through the streets.

ANIMALS PROHIBITED FROM RUNNING AT LARGE. § 1. No animals of the species of cattle, horse, mule, ass, swine, sheep, goat, nor any goose shall be permitted to run or be at large within the corporate limits of the city of Danville.

PENALTY FOR STOCK RUNNING AT LARGE. § 2. Whoever being the owner or possessor of any such animal or goose shall suffer or permit the same to run or be at large shall forfeit and pay the following named penalties for each offense, together with the costs of taking up and impounding, and all expense of sustenance for such animal when impounded, as hereinafter provided, viz: For each animal of the species of cattle, horse, mule or ass, the sum of two dollars; for each swine, sheep or goat, the sum of fifty cents; for each suckling pig and for each goose, the sum of ten cents.

POUND AND POUNDKEEPER. § 3. The city council shall provide a suitable pound or pounds, which shall be under the care and control of the poundkeeper of said city. The mayor may, by and with the consent of the city council, appoint a suitable person poundkeeper, who shall, before entering upon the duties of his office,

execute a bond, with security to be approved by the city council, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, and for the payment of all moneys received by him according to law and the ordinances of said city. Or, the city council, in the absence of any appointment of a poundkeeper by the mayor as aforesaid, may, by resolution, direct that the city marshal or any police officer shall act as poundkeeper, in which case he shall be the poundkeeper of said city, and shall have all the powers and emoluments, and shall perform all the duties belonging to said office, as herein provided. The said marshal or police officer shall also give a bond as poundkeeper in like sum, with the same conditions, as herein provided.

**POUNDKEEPER TO TAKE UP ANIMALS—FEED FOR SAME. § 4.**

It shall be the duty of the poundkeeper to take up and impound all animals found running at large in violation of the ordinances of said city; and also to receive and impound any such animals when lawfully taken up by any other person. During the stay of any animal in the pound, he shall feed and water the same.

**DUTY OF POLICEMEN. § 5.** Every police officer of said city shall forthwith take up and impound any animal known by him or creditably reported to him to be unlawfully at large within the city, and to cause suit to be instituted against the owner or possessor of such animal for violation of this ordinance in so permitting such animal to be at large. Any officer neglecting or refusing so to do shall be fined not less than five dollars, nor more than fifty dollars for each offense.

**CITIZENS MAY TAKE UP ANIMALS. § 6.** It shall be lawful for any citizen of the said city to take up any animal unlawfully at large, and either drive the same to the pound or confine the animal in some safe and convenient place, and immediately notify the poundkeeper, or some police officer of the city, and the officer so notified shall forthwith take charge of such animal and impound the same.

**REDEMPTION OF ANIMALS. § 7.** At any time before the sale of any impounded animal, the owner or person entitled to the possession thereof may redeem the same by paying to the poundkeeper the sums following: In all cases where no judicial proceedings has been commenced, as herein provided, the fees for taking up and impounding, and the cost for feeding and sustenance up to date of redemption, shall be the redemption money; in any case where a judicial proceeding has been commenced, but no judgment rendered, then the redemption money shall be the said fee for taking up and impounding, costs of sustenance and feed, and the costs accrued in such



judicial proceeding; where such judicial proceeding has been commenced and judgment rendered, then such judgment, the costs of such proceeding, together with subsequently accrued costs, and charges for sustenance, shall be the redemption money to be paid.

PROCEEDING WHEN ANIMAL IS NOT REDEEMED—OWNER IS KNOWN. § 8. When any impounded animal is not redeemed within twenty-four hours after the same is impounded, the poundkeeper shall forthwith make complaint before a police magistrate or some justice of the peace against the owner or possessor of such animal, if known, and thereupon a summons shall be issued, as in other cases for the violation of the ordinances of said city, and upon the return of such summons, or the defendant having appeared, it shall be the duty of the magistrate to inquire whether the defendant has been guilty of permitting such animal to be at large contrary to the provisions of this chapter; and if the defendant be found guilty, judgment shall be rendered against him for the penalty, impounding fee and costs of sustenance herein prescribed, and the costs of suit, and an order shall be entered that the animal shall be sold to satisfy said judgment, in case the same shall not be paid forthwith. Such order shall describe the animal, and state the time and place of impounding the same.

PROCEEDING WHERE OWNER IS UNKNOWN. § 9. When the owner of any animal impounded is unknown, the poundkeeper shall make complaint as provided in the last section, against the unknown owner of such animal, describing the same, and thereupon the magistrate before whom such complaint shall be made shall docket the case in the name of the city versus the unknown owner of such animal, describing it with reasonable certainty, and shall issue a notice in substance as follows, viz:

#### POUND NOTICE.

WHEREAS, complaint has this day been made before me, that the unknown owner of the following described animal, to-wit: (here describe animal particularly), impounded at.....on the .....day of.....A. D. 18.....has permitted the same to run at large contrary to the ordinances of the city of Danville;

Now, therefore, notice is hereby given to the owner of such animal... and all persons interested in the same, that a trial will be had upon the said complaint at my office, in the city of Danville, on the.....day of .....A. D. 18.....at the hour of.....M., when and where the owner or other person interested may appear and defend, if he sees fit so to do.

Witness my hand and seal this.....day of.....A. D. 18.....

[L. S.]

.....P. M. (or J. P.)

The day named in said notice for trial shall not be less than five days, nor more than ten days from the time of issuing the same; and it shall be the duty of the poundkeeper, city marshal or any policeman, forthwith to post three copies of said notice in three public places in said city. The officer posting said notices shall return a copy thereof to the office of the magistrate issuing the same, with his return, showing the time and places of such posting, indorsed thereon.

**TRIAL AFTER NOTICE—JUDGMENT.** § 10. When the notice has been given as required by the last section, then upon the day and hour named in such notice, if the said animal has not been redeemed, the justice or magistrate issuing such notice shall proceed to hear the case, as in the case of personal service of summons; and if he finds that such animal has been lawfully and justly impounded, he shall render judgment accordingly, and shall also render judgment for the amount of fees, costs, expenses and charges incurred in the taking up, impounding, feeding and sustenance of such animal, including the costs of said suit, and he shall enter upon his docket an order for the sale of such animal to satisfy said judgment.

**PROCEEDINGS AGAINST NON-RESIDENT OWNERS.** § 11. If the name of the owner or possessor of any impounded animal is known, but he resides or his agent has gone out of the city, so that summons cannot be served upon him as provided by section 8 hereof, then like proceedings shall be had and like judgment rendered, as in the case of unknown owners, as provided in sections 9 and 10 hereof, except that the notices provided for in section 9 shall be addressed to such owner or possessor by name, and an additional copy of said notice shall be issued and sent by mail, addressed to such owner or possessor, at his postoffice address. If his postoffice address is not known, and upon diligent inquiry cannot be ascertained, then such fact shall appear in the return of the officer executing said notices, upon the copy of said notice by him filed in the office of the magistrate.

**ORDER OF SALE.** § 12. Upon the rendition of any judgment as prescribed in sections 8, 10 and 11 of this chapter, the magistrate rendering the same shall issue to the poundkeeper an order of sale, which shall be substantially in the following form:

The People of the State of Illinois to.....Poundkeeper:

We command you, that of the following described goods and chattels, to-wit: (here describe animal,) the property of (here insert the name of the owners if known, if not, then say: "some person unknown,") you make the sum of.....dollars and.....cents debt,

and.....dollars and.....cents costs,  
which the city of Danville lately recovered before me, against the said  
.....and hereof make due return in what manner  
you execute the same.

Given under my hand and seal this.....day of.....A. D. 18.....  
[L. s.] .....P. M. (or J. P.)

Which order shall be returned by such poundkeeper, within thirty days from its date, to the office issuing the same, with his return indorsed thereon, showing when and how the same was executed.

**POUNDKEEPER'S NOTICE OF SALE.** § 13. Upon the receipt of such order, the poundkeeper shall immediately post three notices, in three several public places in said city, which notices may be in substance as follows:

#### POUND NOTICE.

Taken up and impounded in the city pound of the city of Danville, at (here state place of pound,) the following described animal:.....  
which, unless redeemed, will be sold at public auction for cash to the highest bidder, at .....at the hour of.....o'clock.....M., on the.....day of.....A. D. 18.....

.....Poundkeeper.

The day of sale mentioned in said notices shall not be less than three, nor more than five days after posting the same, exclusive of Sundays, holidays and election days; and if the said animal is not redeemed, the poundkeeper shall sell the same in accordance with said notice.

**POUNDKEEPER'S BOOK—PROCEEDS OF SALE.** § 14. The poundkeeper shall keep a book, to be provided by the city, which shall be open to the inspection of the public, in which he shall record a description of all animals impounded, with the date of impounding each, the owner's name if known, the name of the person or officer by whom the animal was taken up, also what disposition was made of such animal, when and by whom redeemed, or, in case of sale, the date of sale, the name of the purchaser and the amount received therefor; and said poundkeeper shall, within ten days after every sale of animals, as herein provided, pay into the city treasury all moneys received by him in excess of the fees, costs and charges accruing to him, and the costs accruing in the judicial proceedings, which last named costs he shall pay over to the magistrate issuing the order of sale.

**SURPLUS PROCEEDS PAID TO OWNER.** § 15. If any surplus proceeds of any sale shall have been paid into the city treasury, the

owner of the animal so sold shall be entitled to receive such surplus, less all costs and charges which may have accrued to the officers of the city, upon presenting to the city council, or the proper committee thereof, satisfactory proof of his ownership, together with a certificate of the poundkeeper of the amount of such surplus.

**BREAKING POUND—HINDERING IMPOUNDING OF ANIMALS—PENALTY.** § 16. Whoever shall break open, or in any manner, directly or indirectly, aid or assist in, or counsel or advise the breaking open of any city pound, or shall take or attempt to take therefrom any impounded animal without the poundkeeper's consent, or whoever shall hinder, delay, or obstruct the taking of any animal found unlawfully at large to the pound, or shall attempt to prevent the impounding thereof, in any manner, shall, in either case, be fined not less than ten dollars, nor more than one hundred dollars.

**WRONGFUL TAKING OF ANIMALS—PENALTY.** § 17. Any person who shall take or drive any animal from any inclosed lot or tract of ground, or from any stable or other building, or from outside of the city limits, to any pound in said city, or with intent that such animal may be impounded, shall be fined not less than five dollars, nor more than twenty dollars for every animal so taken or driven as aforesaid.

**REPORT OF POUNDKEEPER.** § 18. The poundkeeper shall, at each regular meeting of the city council, make a full and complete report, under oath, of all animals impounded, the names of the owners thereof, the disposition made of such animals, and all the receipts and expenditures of and for his pound, and shall file therewith the receipt of the treasurer for all money paid into the city treasury.

**ADDITIONAL POUNDS AND POUNDKEEPERS.** § 19. The mayor and city council, at any time when they may think the interests of the city may require it, shall establish additional pounds, and appoint additional poundkeepers, who, when so appointed, shall be subject to all the provisions of this chapter.

**COMPENSATION TO MARSHAL OR POLICEMAN.** § 20. When the city marshal or any policeman of the city is, by order of the city council, directed to act as poundkeeper, then the fees and charges allowed the poundkeeper under and by this chapter, shall be considered as compensation as poundkeeper, and shall be allowed in addition to the regular salaries allowed him as city marshal or policeman, respectively.

GEESE. § 21. All the provisions of this ordinance wherein geese are not specifically mentioned shall be construed to apply to the taking up and impounding of geese, as well as animals.

FEES OF POUNDKEEPER AND POLICE MAGISTRATE. § 22. There shall be allowed the poundkeeper of said city the following fees for services under the provisions of this ordinance :

For taking up animals and putting them in pound, as follows: For each hog (except sucking pigs), twenty-five cents; for each sucking pig, goose, goat or sheep, ten cents; for all other animals taken up, fifty cents each.

For providing feed and sustenance for impounded animals, the following fees shall be allowed for each day, or part of a day: For each hog (except sucking pigs), sheep or goat, twenty-five cents; for each sucking pig or goose, ten cents; for all other animals, fifty cents each.

There shall also be allowed and charged as an impounding fee, for receiving and taking animals into the pound, the following fees: For each hog (except sucking pigs), sheep or goat, twenty-five cents; for each sucking pig or goose, ten cents; for all other animals, one dollar each.

For posting advertisements, under this ordinance, to owners of animals, the following fees shall be allowed: For each hog, goat or goose, ten cents; for all other animals, twenty-five cents.

For selling any impounded animals under any order of sale issued by a court of competent jurisdiction, the following fees shall be allowed: For selling hogs (sucking pigs excepted), sheep or goats, twenty-five cents each; for each sucking pig or goose, ten cents; for all other animals, one dollar each.

Police magistrates or justices of the peace shall be allowed, in all cases under this ordinance, the same fees for docketing suits and issuing process of all kinds, and for other services, as are now provided by statute in civil cases, to be taxed and collected as is now provided by ordinance and statute.

DRIVING LOOSE ANIMALS THROUGH THE STREETS. § 23. It shall be unlawful for any person to drive any mules or horses through the streets or alleys of said city, unless they are securely haltered and controlled and led by some person having charge thereof. Any person violating this section shall be fined not less than three dollars, nor more than twenty dollars for each offense.

## CHAPTER IV.

## AUCTIONS AND AUCTIONEERS.

## SECTION.

1. Sale of goods at auctions to be by auctioneers.
2. License fee and bond.
3. License—how obtained—not transferable.
4. Clerks.
5. Revocation of license.
6. Selling on streets.
7. Substitution of articles—penalty.
8. Penalties for violation of chapter.

**SALE OF GOODS AT AUCTION TO BE MADE BY AUCTIONEERS. § 1.** All sales of goods, wares, merchandise, or other personal property, at public auction, within the city, except such as are made under and by virtue of legal process, judicial orders or sales under chattel mortgages, shall only be made by a person, or his authorized clerk, who shall have first obtained a license for such purpose, and executed a bond to said city, as herein provided.

**LICENSE FEE AND BOND. § 2.** A person may become an auctioneer, and be licensed to sell personal property at public auction, at a place to be named in the license, upon paying to the city clerk a license fee of fifty dollars per annum, payable quarterly, and executing a bond to the city, with sureties to be approved by the mayor, in the penal sum of one thousand dollars, conditioned for the due observance of the ordinances of said city, for the prompt payment to the city of all moneys belonging to the same, and for the prompt payment of all moneys and the delivery of all goods that may come into his hands in his business, to the persons entitled to receive the same: *Provided*, that licenses may be issued under the provisions of this chapter for three months, upon the payment of the sum of twenty five dollars; but no such license shall issue for a longer period than one year, nor less than three months.

**LICENSE—HOW OBTAINED—NOT TRANSFERABLE. § 3.** Any person who may wish to obtain a license under this chapter, shall apply in writing for the same to the mayor, setting forth in such application his proposed place of business, the names of any partner, or clerk, who will be engaged in such business, the length of time for which such license is desired, and the names of his sureties. If the mayor grants such license, he shall make an indorsement to that effect upon such application, and the same shall thereupon be presented to the



city clerk. In no case shall such license be transferable, nor shall any other person, partner or firm do business under the same, other than the person therein named, nor shall the place of business therein named be changed, without the consent of the mayor indorsed thereon.

CLERKS. § 4. The said license shall designate who are permitted to do business under and by virtue of the same, either as principal, agent or clerk, and if any other person is employed as agent or clerk, to do business under such license, the consent of the mayor shall be first had and obtained, and indorsed on said license.

REVOCATION OF LICENSE. § 5. All licenses shall be subject to revocation by the mayor, or the city council, whenever it shall appear to his or their satisfaction, that the party so licensed, his agent or clerk, has violated any of the provisions of any ordinance relating to auctions or auctioneers, or any of the conditions of the bond aforesaid.

SELLING ON STREETS. § 6. Any auctioneer having a license, as aforesaid, or his clerk may sell at public auction within any of the streets or alleys, squares or commons of the city, any horses, mules, cattle, or any wagon, carriage or other vehicle, or any article too cumbersome to be removed to his place of business, by obtaining written permission from the mayor; but, except as herein provided, no articles shall be sold at public vendue by such persons, on the streets, alleys, public squares or commons as aforesaid.

SUBSTITUTION OF ARTICLES—PENALTY. § 7. Whoever shall exhibit and offer for sale at auction any article, and induce its purchase by any bidder, and shall afterwards substitute any other article in lieu to that offered to, and purchased by the bidder, or whoever shall, while engaged in, or about making any auction sale, be guilty of any device, trick or fraudulent practice with intent thereby to deceive or defraud any bidder, shall be fined fifty dollars, and the license of such person shall be deemed forfeited.

PENALTIES. § 8. Any person who shall sell or attempt to sell at public auction any personal property whatever, except under legal process, judicial orders or under chattel mortgage, without first having obtained a license therefor, as above required, shall, on conviction thereof, be fined not less than ten dollars, nor more than one hundred dollars for each offense; any licensed auctioneer who shall permit any other person than such partner, agent or clerk, whose names are designated in his license, to sell any article at auction at the place designated in such license, without having



permission from the mayor for such person to sell, indorsed on his license, shall be fined not less than five dollars nor more than one hundred dollars; and such person so selling as partner, agent, clerk or otherwise, without such permission from the mayor, shall also be fined not less than five dollars, nor more than twenty-five dollars for each offense. Any person violating any provision of this chapter, where no other penalty is imposed, shall be fined not less than five dollars, nor more than one hundred dollars for each offense.

## CHAPTER V.

### BILLIARDS, TEN-PINS, ETC.

#### SECTION.

1. Penalty for billiard tables, ten-pin alleys, etc., without license.
2. License fees.
3. Billiard rooms, etc.—when closed.
4. Minors playing or loitering where liquor sold prohibited.
5. Minors playing or loitering where liquor not sold.

#### BILLIARD TABLE, TEN-PINS, ETC., WITHOUT LICENSE—PENALTY.

§ 1. Whoever shall keep within the city of Danville any billiard, pool, bagatelle or pigeon-hole table, or any ball or ten-pin alley, to be used or played upon by others, without a license therefor, shall be fined not less than five dollars, nor more than one hundred dollars for each time any person may be permitted to play thereon or therewith: *Provided*, That this article shall not apply to any such article above named kept in private houses for private use or in club rooms for the use of the club members.

LICENSE FEES. § 2. There shall be taxed and collected for a license to keep a billiard table for one year, ten dollars for one table, and five dollars for each additional table. There shall be taxed and collected for a license to keep a ten-pin alley or ball alley for one year, ten dollars for one alley, and five dollars for each additional alley. There shall be taxed and collected for a license to keep a bagatelle table or a pigeon-hole table, ten dollars each.

BILLIARD ROOMS, ETC.—WHEN CLOSED—PENALTY. § 3. All billiard rooms and ten-pin or ball alleys shall be kept closed on Sunday, and on week days they shall be closed by ten o'clock in the evening of each day, and be kept closed until five o'clock in the

morning of the next day following. Any person violating this section shall, for each offense, be fined not less than ten dollars, nor more than fifty dollars.

**MINORS PLAYING OR LOITERING WHERE LIQUORS ARE SOLD—PENALTY.** § 4. No keeper of any billiard, bagatelle or pigeon-hole table or ten-pin or ball alley, kept in a room or place where intoxicating liquors are sold, shall allow any minor to frequent or loiter about or remain in the said premises, to play at any game or roll any ball upon any such table or alley therein, under a penalty of not less than ten dollars, nor more than fifty dollars for each violation of this section, and upon conviction thereof shall forfeit his license.

**MINORS PLAYING OR LOITERING AT OTHER PLACES—PENALTY.** § 5. No keeper of any billiard room or ten-pin or ball alley, kept in a room or place where intoxicating liquors are not sold, shall allow any minor to play at any game upon any table or alley kept by him, nor shall he permit any such minor to frequent or loiter about or remain in the said premises, unless upon the written consent of the parent or guardian of such minor, or his employer, if he has no parent or guardian, under a penalty of not less than five dollars, nor more than twenty dollars for each violation of this section.

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## CHAPTER VI.

### BUTCHERS AND MARKETS.

#### SECTION.

1. Butcher's license.
2. Butchers to keep book.
3. Penalty for killing diseased animals.
4. Selling flesh of diseased animals.
5. Other unwholesome provisions.
6. Displaying fruit, etc., on benches.
7. Inspectors of meat and provisions.

**BUTCHER'S LICENSE.** § 1. Whoever shall pursue the calling of a butcher within the city of Danville, without first having obtained a license therefor, as provided by this chapter, shall be fined not less than ten dollars, nor more than one hundred dollars. The rate of butcher's license shall be ten dollars per year, or a proportionate sum

for any less period. Every dealer in fresh meat shall be deemed a butcher within the meaning of this chapter: *Provided*, That this section shall not apply to persons who buy and sell chickens or turkeys, or dealers in fish and game.

**BUTCHERS TO KEEP BOOK, ETC.** § 2. Every butcher shall keep a well bound book, properly ruled, in which he shall cause to be legibly recorded in ink a description of each animal either slaughtered by him or the flesh of which he keeps for sale, which description shall set forth the species, sex, color and age, if known, of such animal, and also the name and place of residence of the person from whom such animal was obtained, and the date when slaughtered. And if such animal was a bull, stag, ram or boar, that fact shall be entered as a part of the description. Such book shall at all times be subject to the inspection of any city officer, and any person proposing to buy the flesh of any animal may demand to see the recorded description of such animal. Any butcher failing to keep a book as herein required, or failing to make truthful entries therein as above set forth, or failing or refusing to exhibit such book on demand to any person having a right to inspect the same, shall be fined for each offense not less than five dollars, nor more than one hundred dollars.

**KILLING DISEASED ANIMALS, ETC.** § 3. Whoever shall slaughter within said city, or within one mile of the limits thereof, any emaciated, sick, sore, bruised, wounded, diseased or disordered animal, or any animal which has been within twenty-four hours next before the time of slaughtering excessively driven, so as to become heated, or any calf under four weeks old, or any female animal far gone with young, shall be fined not less than twenty-five dollars, nor more than one hundred dollars.

**SELLING DISEASED ANIMALS OR FLESH OF SAME.** § 4. Whoever shall sell, offer to sell, or keep or expose for sale within said city, any emaciated, sick, crippled, sore, bruised, wounded, diseased or disordered animal, with intent that the same shall, while in such condition, be slaughtered for food, or shall sell, offer to sell, keep or expose for sale within said city the flesh of any such animal, or any tainted or unwholesome fresh meat, or the flesh of any animal coming to its death naturally, or by any means other than the usual mode of slaughtering animals for food, or the flesh of any calf slaughtered under the age of four weeks, or any female animal which at the time of slaughtering was far gone with young, shall for each or either of said offenses be fined not less than twenty-five dollars, nor more than two hundred dollars.

OTHER UNWHOLESOME PROVISIONS. § 5. Whoever shall sell, expose or offer for sale any sick or diseased fowl, bird, game, poultry or fish to be used for food, or the flesh of the same, or the flesh of any such fowl, bird, game, poultry or fish after the same has become tainted, decayed or unwholesome from any cause, or the flesh of any animal, fowl, bird, game or fish not used or deemed wholesome for food, or any tainted, decayed, unsound or unwholesome provisions or articles of food of any kind whatever, or any adulterated or pernicious drink or liquors, shall be fined not less than ten dollars, nor more than one hundred dollars for each offense.

DISPLAYING FRUIT, VEGETABLES, ETC., ON BENCHES. § 6. Whoever, as a merchant, grocer, butcher or huckster, shall display, exhibit or temporarily store in front of his place of business any fruit, vegetable or farinaceous article of commerce, unless the same be so exhibited, displayed or temporarily stored upon a bench or platform erected at least three feet above the level of the sidewalk, shall be guilty of a misdemeanor, and fined not less than one dollar, nor more than five dollars.

INSPECTORS OF MEAT AND PROVISIONS. § 7. Every member of the police department, and all members of the board of health of said city, are hereby made and constituted ex-officio inspectors of meat and provisions, in and for said city. Every such officer shall be entitled, on demand made by him, to see and inspect any fresh meat which any butcher or other person may keep or have on hand within the city, as well as any live animal obtained or designed by any butcher or other person for slaughter. Such officer shall also have the right to see and inspect all fowls, game, birds, poultry or fish, as well as all other kinds of meat and all kinds of provisions, including fruits and milk, which shall be kept on hand or exposed or offered for sale by any butcher, huckster, grocer, milkman, dealer or other person. And any person who shall refuse to permit such inspection, on demand made on him, or shall hinder or delay such officer in making the same, or shall give false answers to any questions asked by such officer touching any fresh meat or any animal intended for slaughter, shall, in either case, be fined not less than three dollars, nor more than one hundred dollars. And upon such inspection, if such officer shall find any of the articles enumerated in this section unwholesome or unfit for use as food, it shall be the duty of such officer to condemn the same and notify the owner thereof, or the person having charge of the same, to remove or withdraw the same from sale, and upon the failure or refusal of such person to withdraw such article from the market, it shall then be the duty of such officer to prosecute such person for a violation of section 4 or 5 of this chapter.

## CHAPTER VII.

## CITY COLLECTOR.

## SECTION.

1. Office of city collector created.
2. Bond of collector.
3. Duties of collector.
4. Authorized to receive special taxes.
5. To pay all special taxes to treasurer.
6. To make return of delinquent taxes to county collector.
7. To keep books of account.
8. Compensation of Collector.

OFFICE OF CITY COLLECTOR. § 1. There is hereby created the office of city collector of special taxes and special assessments. The term of said officer shall be for one year and until his successor shall be appointed and qualified. The said collector of special taxes and special assessments shall be appointed annually by the mayor by and with the advice and consent of the city council.

BOND OF COLLECTOR. § 2. Said collector shall, before he enters upon the duties of his office take and subscribe the oath prescribed by law for city officers and shall execute a bond to the city of Danville in the penal sum of \$20,000 with such securities as the city council shall approve, conditioned for the faithful performance of his duties as such collector and the payment of all moneys received by him according to law and the ordinances of the said city.

DUTIES OF COLLECTOR. § 3. It shall be the duty of said collector to execute all warrants for the collection of special taxes and special assessments which by law and the ordinances of the said city may be executed by such collector, and he shall collect all special taxes and special assessments which are or may be levied or assessed by virtue of any ordinance of said city for the making of any local improvement.

AUTHORIZED TO RECEIVE SPECIAL TAXES. § 4. Said collector is hereby authorized and instructed to receive and receipt to any person or persons against whose property special taxes are or may be assessed for local improvements or whose property is or may be assessed as specially benefitted by local improvements, as aforesaid, the amount of his or their special tax or special assessments less such discount as is or may hereafter be authorized by contract for

making such improvements: *Provided*, that the collector shall not allow any discount upon any such special taxes or special assessment except when paid before or within ten days from the completion and acceptance of the whole or such part of said improvement as may be provided in the contract.

TO PAY ALL SPECIAL TAXES TO TREASURER. § 5. Said collector shall pay over to the city treasurer all moneys collected by him as fast as the same shall be received, taking the treasurer's receipt therefor, which receipt he shall immediately file with the city clerk, who shall at the time or on demand give the collector a copy of any such receipt so filed. He shall make report in writing, to the city council at each regular meeting thereof, showing the amount of money collected, from whom received and on what account received, and he shall, annually, at the close of each fiscal year, make out and file with the city clerk a full statement of all moneys collected by him during the preceding fiscal year in the manner as required by law.

TO MAKE RETURN OF DELINQUENT TAXES TO COUNTY COLLECTOR. § 6. It shall be the duty of the city collector on or before the tenth day of March each year, to make a report or reports in writing to the county collector of Vermilion county or other officer authorized by the general revenue laws of this state, to apply for judgment and sell lands for taxes due the county and state, showing all the lands, town lots and real property on which he shall have been unable to collect said special taxes or special assessments due and unpaid thereon, together with his warrant or warrants or with a brief description of the warrant or warrants received by him authorizing the collection thereof, which report or reports shall be accompanied by the oath of said collector, that the list or lists are a correct return and report of the lands, town lots, and real property on which the said special taxes or special assessments, levied by authority of the city of Danville remain due and unpaid, that he is unable to collect the same or any part thereof and that he had given the notice or notices required by law, that said warrant or warrants had been received by him for collection.

TO KEEP BOOKS OF ACCOUNT. § 7. Said collector shall under the direction and supervision of the finance committee, keep books and accounts which shall show all receipts and moneys collected by him, and other matters pertaining to his office, such books and accounts to be kept in a clear and methodical manner.

COMPENSATION OF COLLECTOR. § 8. The city collector shall receive for his services a compensation of one per cent. of all moneys collected by him and paid into the city treasury.

## CHAPTER VIII.

### CITY ENGINEER.

#### SECTION.

1. Appointment of city engineer.
2. Bond of city engineer.
3. Oath of city engineer.
4. Compensation—how paid.
5. To make plans, surveys, etc., and establish grades, etc.
6. To inspect material, etc., keep books, etc., examine accounts.
7. To designate grades for walks—supervise work, etc.
8. To supervise public work—to remove walks, etc., not conforming to grade.
9. To preserve all books, etc., keep record of all transactions.
10. To make all surveys—chainmen—oath—field notes.
11. To superintend labor on streets, etc.—pay rolls—reports.
12. To fix lot boundaries—furnish certificate of survey.
13. To preserve and keep tools in good condition.
14. To keep streets, etc., in safe condition.
15. To keep railroad crossings open—report.
16. To annually cause streets, etc., to be put in good condition.
17. Additional duties may be required.
18. To make maps of streets and assign numbers to houses.
19. To adjust and renumber houses and correct mistakes.
20. Vacancy—how filled.

APPOINTMENT OF CITY ENGINEER. § 1. There shall be appointed annually by the mayor, with the approval of the city council, a city engineer. Such appointment shall be made at the first regular meeting in April of each year, or as soon thereafter as practicable.

BOND OF CITY ENGINEER. § 2. The said city engineer shall, before entering upon his duties, execute a bond in the penal sum of three thousand dollars, payable to the city of Danville, and conditioned for the faithful performance of the duties of his office, and the payment of all moneys which may come into his hands by virtue of his office, according to law and the ordinances of said city.

OATH OF CITY ENGINEER. § 3. The said city engineer shall also, before entering upon the duties of his office, take and subscribe the following oath or affirmation:



"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of city engineer to the best of my ability."

**COMPENSATION—HOW PAID.** § 4. The compensation of the said city engineer shall be the sum of twelve hundred dollars per annum, payable in equal monthly installments.

**TO MAKE PLANS, SURVEYS, ETC., AND ESTABLISH GRADES, ETC.** § 5. The city engineer shall, when required by the mayor, the city council or any of its committees, make out plans, estimates and specifications for public work which may be ordered or proposed by the city council. He shall, under the direction of the proper committee, also superintend the construction of all public work. He shall, when required by the city council, make surveys of the grades or boundaries of streets, alleys or sewers, and prepare plats and profiles thereof and report the same to the city council; and no such survey of any grade or boundary shall be established and valid until the plats and profiles thereof shall be reported to and approved by the city council.

**TO INSPECT MATERIAL, ETC., KEEP BOOKS, ETC., EXAMINE ACCOUNTS.** § 6. The city engineer shall, when required by the mayor, city council or any of its committees, receive, inspect or measure any lumber, stone or other materials to be used for any public work. He shall keep an accurate account, in a suitable book, of the quantity and quality of all such material, and from whom received and the cost thereof, and also for what purpose used and from whom delivered and the cost thereof, and also to whom delivered. He shall examine all accounts for materials received by him on account of the city, and, if correct, certify the same to the city council.

**TO DESIGNATE GRADES FOR WALKS—SUPERVISE WORK, ETC.** § 7. The city engineer shall designate, by proper lines and stakes, the grade for all sidewalks for persons desiring to build sidewalks. If there be no such grade established by the city council, then said city engineer shall designate and affix a temporary grade for the purpose aforesaid. He shall supervise the construction thereof.

**TO SUPERVISE PUBLIC WORK—TO REMOVE WALKS, ETC., NOT CONFORMING TO GRADE.** § 8. The said city engineer shall see that all sidewalks, pavements or sewers are constructed in accordance with the established grade therefor, and that the same are laid of the proper and designated width as prescribed by the ordinances of the city. And it is hereby made the duty of said city engineer to remove and take up any such sidewalk or pavement hereafter laid which

does not conform to such grade and width as prescribed by the ordinances of the said city.

TO PRESERVE ALL BOOKS, ETC., KEEP RECORD OF ALL TRANSACTIONS. § 9. The said city engineer shall preserve in his office all records and plans of survey and all books, papers and writings pertaining to his office. He shall make out and keep a diagram or plat of all the grades and boundaries of streets and alleys established by the city council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established, and he shall record in a suitable book the profiles and notes of all surveys of grades and boundaries established, and shall preserve the original papers relating thereto, and shall otherwise keep a systematic record of all the transactions pertaining to the department, which record shall belong to the city of Danville.

TO MAKE ALL SURVEYS—CHAINMEN—OATH—FIELD NOTES. § 10. The city engineer shall make all surveys in the city that he may be called upon to make, and shall employ the necessary chainmen and other assistants, who shall, before entering upon their duties, be sworn before him or before any person authorized by law to administer oaths, "to measure accurately and justly, and to perform their duties to the best of their knowledge and ability." He shall acquaint himself with the original surveys of the town and city, and shall, as far as practicable, provide himself with copies of the field notes of the original surveys, and shall make his surveys in accordance therewith; and he shall note all errors and discrepancies in the original survey or surveys as soon as discovered.

TO SUPERINTEND LABOR ON STREETS, ETC.—PAY ROLLS—REPORTS. § 11. The said city engineer shall superintend, under the direction of the proper committee, all labor performed on the streets, alleys and parks, and also all labor performed upon sewers. He shall make out all pay rolls for street or park labor, and certify to the correctness of the same. He shall report monthly, at the first regular meeting in the month, to the city council a general abstract of all the operations of his department; the amount of work performed, and the amount on hand unexpended; the number of laborers and teams in the employ of the city; the amount of money expended in his department, together with such other information as may be deemed of importance.

TO FIX LOT BOUNDARIES—FURNISH CERTIFICATE OF SURVEY. § 12. The said engineer shall, upon finding or establishing the boundary of any lot or tract surveyed, plant a substantial stake or stone at each corner thereof, and give to the owner or person employ-

ing him, if required, a certificate stating the date and, as far as practicable, the metes and bounds of the survey and date of the survey, for whom made, and describing, as far as practicable, the metes and bounds thereof.

**TO PRESERVE AND KEEP TOOLS IN GOOD CONDITION.** § 13. He shall procure and have control and custody of all the necessary tools and implements which are used in the construction and repair of the streets, alleys, ways, lanes, highways, walks, crosswalks, bridges, sewers, parks, public grounds and places, and see that the same are kept in proper condition for use.

**TO KEEP STREETS, ETC., IN SAFE CONDITION.** § 14. It shall be the duty of said city engineer to take charge of all streets, alleys, lanes, highways, walks and crosswalks, bridges, sewers, public grounds and parks in and belonging to said city, subject, however, to all ordinances that now are or hereafter may be in force. He shall attend to and superintend the improvement and repairs upon the same, and see that the same are kept in proper order and in good condition and free from all unnecessary obstructions.

**TO KEEP RAILROAD CROSSINGS OPEN—REPORT.** § 15. The city engineer shall see that all ordinances of said city pertaining to railroads are not violated, and that all railroad crossings are kept free and clear at all times, under the ordinances of the city now in force, or such as may hereafter be in force; and when there is a violation of ordinances pertaining to railroads, streets and alleys, walks, crosswalks, bridges, sewers, public grounds, parks, lanes or highways, report the same to the proper officers and see that the same are properly enforced.

**TO ANNUALLY CAUSE STREETS, ETC., TO BE PUT IN GOOD CONDITION.** § 16. The city engineer shall annually, as early as the season will permit, under the direction of the proper committee, cause the streets, alleys, lanes, highways, walks, crosswalks, parks, sewers, gutters, bridges and public grounds within the city to be put in proper condition and repair.

**ADDITIONAL DUTIES MAY BE REQUIRED.** § 17. The said city engineer shall also perform such other and further duties as may be required of him by the city council or the committee on streets and alleys.

**TO MAKE MAPS OF STREETS AND ASSIGN NUMBERS TO HOUSES.** § 18. The said engineer shall cause to be prepared from time to time maps of the several streets, showing the numbers of all lots and

houses. He shall also assign to each lot or house its proper number, and deliver, free of charge, to the owner or occupant a certificate designating such number.

TO ADJUST AND RENUMBER HOUSES AND CORRECT MISTAKES. § 19. In all cases where a street shall be numbered or renumbered in pursuance of any ordinance now in force, or hereafter passed, it shall be the duty of the said city engineer thereafter to adjust and renumber such streets as the same may be required from time to time. And in all cases where there is a mistake or conflict in numbers, said city engineer shall direct and made the proper adjustment of the same.

VACANCY—HOW FILLED. § 20. If a vacancy shall occur in the office of city engineer, by death, resignation, removal or otherwise, such vacancy shall be filled for the unexpired part of the year by appointment by the mayor, by and with the approval of the city council.

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## CHAPTER IX.

### CITY WEAIGHERS.

#### SECTION.

1. Appointment and removal of.
2. Bond—license—fee.
3. Scale—prohibited location.
4. Scale—how provided.
5. Scale—adjustment of.
6. Deputy weighers.
7. Business hours.
8. Fee—register and certificate of weights.
9. Records.
10. Weight of vehicle.
11. Alteration, etc., of certificate—penalty.
12. Inspection of books.

APPOINTMENT AND REMOVAL OF. § 1. The mayor shall, from time to time, appoint so many and such persons to be city weighers as he may think proper, and may remove them at his pleasure.

BOND—LICENSE—FEE. § 2. Every city weigher shall, for the faithful performance of his duties, execute a bond to the city of Danville in the sum of three hundred dollars, with sureties to be approved by the city council, conditioned for the faithful performance

of his duties. Every such weigher shall pay into the city treasury the sum of three dollars per annum, upon each of his scales, for an annual license or permit.

**SCALE—PROHIBITED LOCATION—PENALTY.** § 3. No person shall use or keep any scale in any public place, street or alley, within the city of Danville for weighing any substance or thing for the public, except city weighers who have complied with section two of of this chapter of this ordinance. Any person violating any provision of this ordinance shall pay a penalty of not less than five nor more than fifteen dollars for each offense.

**SCALE—HOW PROVIDED, ETC.** § 4. Each of said weighers so appointed, shall provide his own scales and shall locate them and keep them properly adjusted and repaired at his own expense.

**SCALE—ADJUSTMENT OF.** § 5. It shall be the duty of weighers so appointed, to have their scales adjusted and sealed by the sealer of weights and measures at least once in every six months, and oftener if required. It shall further be their duty to weigh any coal, hay or any other article, when so requested by the person or persons bringing the same.

**DEPUTY WEIGHERS.** § 6. The weighers, so appointed shall have power to appoint all necessary deputies to attend said scales, and, the official bond of said weigher shall be holden and answerable for the acts of said deputies.

**BUSINESS HOURS.** § 7. Said weighers shall, either in person or by such deputy, be present at their individual scales during all reasonable hours each day, Sundays and public holidays excepted.

**FEE—REGISTER AND CERTIFICATE OF WEIGHTS.** § 8. The said weighers shall be allowed to charge and receive ten cents for every load or part of a load, or other article of any kind or nature whatsoever weighed by them, except coal, and five cents for every load of coal and they shall keep an account of the weight of every load by them weighed, and shall furnish to the person having such load weighed, a certificate, written with ink, for each load, which certificate shall contain the gross and net weight of each load weighed by him.

**RECORD.** § 9. The said city weighers shall, severally, provide themselves with, and each shall keep a book in which he shall enter the amount of each load, and the name of each person for whom, and the date when the same was weighed; and when the vehicle and load shall be weighed together the city weigher's certificate, shall state the gross weight thereof, and upon the sale or delivery

of such load, the vehicle shall again be weighed, without charge, by the city weigher who weighed the original load and thus the net weight of the load ascertained.

WEIGHT OF VEHICLE. § 10. In no case shall any city weigher state in his said certificate the weight of any vehicle which may have been weighed with any load, until such city weigher shall have ascertained the weight of such article by actually personally weighing the same on his said scales.

ALTERATION, ETC., OF CERTIFICATE—PENALTY. § 11. No person shall alter any certificate of any city weigher, or use or attempt to use the same for any other load or parcel than the one for which the same was given; nor, after the weighing, and before the sale and delivery of any load or parcel diminish the quantity thereof; any person violating the provisions of this section shall be fined in any sum not less than twenty dollars nor more than one hundred dollars for each offense.

INSPECTION OF BOOKS. § 12. The city clerk shall be permitted, by himself or his agent, to examine at his pleasure the books required as aforesaid, to be kept by the city weighers.

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## CHAPTER X.

### CLAIMS AGAINST CITY.

#### SECTION.

##### 1. Claims sworn to and referred.

CLAIMS MUST BE SWORN TO AND REFERRED. § 1. No claim or account against the city of Danville, except for the salaries of its regularly elected or appointed and commissioned officers, or for the payment of a special contract made by the city council, or by some officer of the city authorized by ordinance to make contracts, shall be considered, audited or allowed, nor shall any warrant issue for the payment thereof, unless the person presenting the same, or some credible person for him, shall make oath before some officer duly authorized by law to administer oaths, before filing the same, that such claim or account is true, just and correct, and that the charges therein are reasonable; nor shall such warrant issue until such claim or account has been referred to and examined by at least two of the

committee of the department to which such claim or account shall appropriately belong, or by some other committee designated by the council, which committee shall report such claim back to the council, with its recommendation indorsed thereon, signed by the members thereof, when the said claim or account shall then be acted upon by the council.

## CHAPTER XI.

### CORPORATION COUNSEL.

#### SECTION.

1. Office created.
2. Appointment.
3. Oath---bond.
4. Duties of officer.
5. To deliver to successor all papers, etc.
6. Compensation.

**OFFICE CREATED.** § 1. There is hereby created the office of corporation counsel, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**APPOINTMENT.** § 2. He shall be appointed by the mayor, with the approval of the city council, on the first Thursday of May, A. D. 1891, or as soon thereafter as may be, and bi-annually thereafter.

**OATH—BOND.** § 3. The corporation counsel, before entering upon the duties of his said office, shall take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of corporation counsel according to the best of my ability.”

And shall execute a bond, with security to be approved by the city council, payable to said city, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his said office.

**DUTIES OF OFFICER.** § 4. It shall be the duty of the corporation counsel to furnish his written opinion upon any legal question submitted to him for such opinion by the city council, and to regularly attend all meetings of said council; to draft all ordinances,



bonds, contracts, leases, conveyances and other instruments of writing, as may be required by the business of the city; he shall prosecute all proceedings brought in the proper courts for the levy and assessment of special taxes or assessments for any local improvement, or the opening and laying out of any street or alley in said city; he shall assist the city attorney, when directed so to do by the city council or mayor, in instituting or defending any suit which may be brought in any court by or against the city, or which may be brought by or against any of its officers on account of any of their official acts; he shall also make any reports concerning any suits to which the city may be a party, whenever directed so to do by the city council.

TO DELIVER TO SUCCESSOR ALL PAPERS, ETC. § 5. Upon the expiration of his term of office, or his resignation thereof or removal therefrom, the corporation counsel shall forthwith, on demand, deliver to his successor in office all deeds, leases, contracts and other papers in his hands belonging to the corporation, or delivered to him by the corporation or any of its officers, and all papers in actions prosecuted or defended by him, then pending undetermined, together with his register thereof, and of the proceedings thereon.

COMPENSATION. § 6. The corporation counsel shall receive an annual salary of six hundred dollars, payable quarterly.

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## CHAPTER XII.

### DOGS.

#### SECTION.

1. Danger of hydrophobia---proclamation of mayor.
2. Dogs a nuisance---when.
3. Bitch at large in heat.
4. Dangerous dogs.

DANGER OF HYDROPHOBIA—PROCLAMATION OF MAYOR. § 1. Whenever the mayor of the city of Danville shall deem it advisable, for the prevention of hydrophobia, he may issue his proclamation requiring all the dogs within the city to be confined, or to be securely muzzled with a wire muzzle, for such time as may be designated, or until otherwise ordered, and during such time it shall be unlawful for any dog to go or be at large unmuzzled.

**DOGS AT LARGE UNMUZZLED A NUISANCE.** § 2. All dogs running at large within the city, contrary to the provisions of the preceding section, are declared a nuisance, and shall be killed by the city marshal or any policeman of said city. And the owner or keeper of any such dog, who shall knowingly permit the same to run at large, contrary to the provisions of the preceding section, shall be fined not less than three dollars, and not exceeding one hundred dollars.

**BITCH AT LARGE WHILE IN HEAT.** § 3. Any bitch running at large while in heat is hereby declared a nuisance, and shall be killed by the city marshal or any policeman of said city. And the owner or keeper of any such bitch, who permits the same to run at large when in heat, shall be fined not less than three dollars, nor more than one hundred dollars.

**DANGEROUS DOGS.** § 4. Any owner or keeper of a fierce or dangerous dog or bitch, who shall knowingly permit the same to run at large, to the danger, annoyance or damage of any person within the city, shall be deemed guilty of a nuisance, and shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars; and upon such conviction the city marshal or any policeman shall destroy, or cause such dog or bitch to be destroyed.

## CHAPTER XIII.

### DRUGGISTS.

#### SECTION.

1. May sell intoxicating liquors.
2. Restriction placed on the right to sell.
3. Not to include the sale of beer, except, etc.
4. Not to sell on Sunday, except, etc.
5. Not to be drunk on premises.
6. Druggist to keep register—open to inspection.
7. Permit to be granted—length of permit.
8. Permit may be revoked.
9. Penaty.

**MAY SELL INTOXICATING LIQUORS.** § 1. Subject to the regulations and restrictions hereinafter contained, persons engaged in the business of vending drugs, commonly called druggists, may sell intoxicating liquors in less quantity than one gallon for medicinal, mechanical, sacramental and chemical purposes only.

**RESTRICTIONS PLACED ON THE RIGHT TO SELL.** § 2. Such permission shall only extend to and authorize the sale of intoxicating liquors for the purposes aforesaid, when the same shall be sold upon the prescription of a practicing physician; or when the said liquor shall be a necessary ingredient in the preparation of a prescription prepared by said druggist, or when the same shall be sold for other medicinal, or any mechanical, chemical or sacramental purpose: *Provided*, however, that said druggist so selling such intoxicating liquors for any of the aforesaid purposes, shall be held to exercise good faith, to ascertain and know that such liquors so sold for any such purpose was in good faith purchased for that purpose and no other.

**NOT TO INCLUDE SALE OF BEER, EXCEPT, ETC.** § 3. Such permission shall not be held to include the sale of those malt or fermented liquors, commonly called beer and ale, whether sold by the bottle or otherwise, except such sale be made upon the written prescription of a practicing physician furnished said druggist at the time of said sale.

**NOT TO SELL ON SUNDAY, EXCEPT, ETC.** § 4. No such permit shall extend to, or authorize the sale or delivery of any intoxicating liquor in any quantity upon Sunday, for any purpose whatever, and such sale and delivery is hereby declared to be unlawful, except it be for medicinal purposes, and then only, upon the written prescription of a reputable physician in active practice; which prescription shall be made and given for that particular sale and no other.

**NOT TO BE DRUNK ON PREMISES.** § 5. It shall be unlawful for any druggist, either by himself, servant, clerk or agent, to sell any intoxicating liquor in any quantity or for any purpose whatever, which shall be drank upon the premises where sold; and no permit granted under this ordinance shall extend to, or protect any such sale.

**DRUGGIST TO KEEP REGISTER—OPEN TO INSPECTION.** § 6. All druggists who may be permitted to sell intoxicating liquors under this ordinance shall keep a register of all such sales in a book provided for that purpose; in which they shall enter the name and quantity of liquor sold, the purpose for which the same was bought, the date when, and the name of the person to whom the same was sold. The permit granted hereunder shall not extend to or authorize the sale of any such liquor not so entered and registered. Said register shall at all times be open to the inspection of the officers and police of said city: *Provided*, this section shall not apply to

sales made on prescriptions of practicing physicians, where such prescription is preserved.

PERMIT TO BE GRANTED — LENGTH OF PERMIT. § 7. The permission to sell intoxicating liquors herein provided for shall be evidenced by a written or printed permit, signed by the mayor and attested by the city clerk under the corporate seal of the city. The granting of such permit shall be duly entered upon the records of the city kept by said clerk, and such record shall be a protection to such druggist in the sale of intoxicating liquors allowed by this ordinance so long as such permit holds good and said druggist complies with the terms thereof. No permit shall issue for a longer term than the municipal year in which the same shall be granted.

PERMIT MAY BE REVOKED. § 8. The mayor shall have power, and it is hereby made his duty to revoke any permit granted by him for any palpable violation of the provisions of this ordinance by any such druggist.

PENALTY. § 9. Any druggist who shall violate any of the provisions of this ordinance shall be fined in any sum not less than twenty dollars nor more than one hundred dollars for each offense, and shall forfeit all rights he may have under and by virtue of such permit.

## CHAPTER XIV.

## ELECTIONS.

## SECTION.

1. Time of general election.
2. Clerk to give notice of election.
3. Special elections.
4. Appointment of judges and clerks.
5. Compensation of judges and clerks.
6. Vacancies—how filled.
7. Oath—Vacancies.
8. Ballot boxes, voting booths, etc.
9. Ballots, poll books and blanks.
10. Time of opening and closing polls, etc.
11. Proclamation to be made before polls, etc.
12. Ballot box to be opened and exhibited.
13. General election law applicable.
14. Canvassing votes and making returns.
15. Disposition of ballots.
16. Penalty for failure to make returns.
17. Canvassing returns by council.
18. Tie vote—casting lots.
19. Notice to person elected, etc.
20. Failure to elect—new election.
21. Order to be preserved at polls.
22. Dramshops to be closed.
23. Contesting election of aldermen.
24. Statement of contestant—copy to be served, etc.
25. Taking testimony.
26. Time for filing proof with clerk.
27. Hearing contest by council—decision.
28. Opening and counting ballots.

**TIME OF GENERAL ELECTION.** § 1. A general election for all municipal officers authorized by law or ordinance to be elected shall be held in the city of Danville on the third Tuesday of April in each year, at such places in the several wards of said city as may be designated by the city council.

**CLERK TO GIVE NOTICE OF ELECTION.** § 2. The city clerk shall give notice of such election by publishing an advertisement in some newspaper printed and published in said city, or by posting notices thereof at each of the voting places in said city, for at least twenty days prior to such election, in which notice he shall state the time and place of holding such election, the officers to be elected and the time of opening and closing the polls.

**SPECIAL ELECTIONS.** § 3. Special elections may be ordered at any time, for any of the purposes provided by law, and notice

thereof shall be given by the city clerk in the same manner and for the same length of time, and they shall be conducted in the same manner as is required in the case of regular annual elections.

**APPOINTMENT OF JUDGES AND CLERKS.** § 4. The city council shall, at least twenty days before any election shall be held, designate the places of holding the same, and appoint three capable and discreet electors in each ward of the city, to act as judges of election therein, and three electors in each ward, having similar qualifications with the judges, to act as clerks of election. Immediately after the appointment of such judges and clerks, the city clerk shall make out and deliver to the city marshal notices thereof, under the corporate seal, directed to each person so appointed, and said marshal, within three days thereafter, shall deliver such notices to the several judges and clerks so appointed.

**COMPENSATION OF JUDGES AND CLERKS.** § 5. The judges and clerks of election shall be allowed the sum of three dollars per day for their services in attending such election.

**VACANCIES—HOW FILLED.** § 6. If any person so appointed a judge of election shall not be present at the time for opening the polls of any election, or, being present, shall refuse to act or take the oath to act in such capacity, the judges or judge present may appoint some other qualified elector of the ward to fill the vacancy. If there be no judge of election present at the time fixed for opening the polls, such of the electors of the ward as may then be present at the place of election may fill the place of such judge or judges by election from their number; and the judges so chosen shall have the same power and be subject to the same penalties as other judges of elections: *Provided*, That all the judges shall not, in any case, be appointed or chosen from the same political party or organization.

**OATH—VACANCIES.** § 7. The judges of election shall appoint clerks, when necessary, to fill vacancies, and the judges and clerks shall severally take an oath or affirmation in the following form, to-wit:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of judge of election (or clerk, as the case may be) according to the best of my ability."

In case there shall be no judge or justice of the peace present at the opening of the election, it shall be lawful for the judges of election to administer the oath or affirmation to each other and to the clerks of election, and the person administering such oath or

affirmation shall cause an entry thereof to be made and subscribed by him and prefixed to each poll book. If any judge or clerk shall, after entering upon his duties, by sickness or other disability, become unable to act, another may be appointed in his place by the judges; and in such case the person substituted shall take and subscribe the oath hereinbefore prescribed, and the substitution of such person and the time of such substitution shall be noted on the poll books.

**BALLOT BOXES, VOTING BOOTHS, ETC.** § 8. The city clerk shall provide, at the expense of the city, a sufficient number of ballot boxes and voting booths for the several voting precincts. There shall be an opening in the lid of each ballot box, not larger than is sufficient to admit a single closed ballot to be inserted therein at one time, through which each ballot voted shall be put into the box. The voting booths shall in all respects be constructed in conformity to and shall be supplied with all the necessary conveniences provided for in the statutes of the State of Illinois relating thereto.

**BALLOTS, POLL BOOKS AND BLANKS.** § 9. The city clerk shall also provide, at the expense of the city, all ballots to be used at any election, and all proper poll books, blanks and other necessary stationery for each precinct in the city, and cause a suitable number thereof to be delivered to the judges of election at least two days before the day of such election. Said ballots, poll books and blanks shall be prepared by said clerk, printed and distributed in every respect in strict accord with the provisions of an Act of the General Assembly of the State of Illinois, entitled, "An Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot." [Approved June 22, 1891; in force July 1, 1891.]

**TIME OF OPENING AND CLOSING POLLS.** § 10. The polls shall be opened at the hour of seven o'clock in the morning and continued open until five o'clock in the afternoon of the same day, at which time they shall be closed; but if the judges shall not attend at the hour of seven o'clock in the morning, or if it shall be necessary for the electors present to appoint judges to conduct the election, the polls shall, in that case, be opened as soon after seven o'clock in the morning, as may be.

**PROCLAMATION TO BE MADE BEFORE POLLS, ETC.** § 11. Upon opening the polls, one of the judges or clerks of election shall make proclamation of the same, and at least thirty minutes before the



closing of the polls proclamation shall be made in like manner that the polls will be closed at five o'clock.

**BALLOT BOX TO BE OPENED AND EXHIBITED.** § 12. Before any ballot shall be deposited in the ballot box, the ballot box shall be publicly opened and exhibited, and the judges and clerks shall see that no ballot is in such box, after which the box shall be locked and the key delivered to one of the judges, and shall not be again opened for any purpose until the polls are closed.

**GENERAL ELECTION LAW APPLICABLE.** § 13. The manner of conducting such election and the voting thereat, the keeping of the poll lists and the canvassing of the votes by the judges thereof shall be the same, as nearly as may be, as in the case of the election of county officers under the general election laws of this state.

**CANVASSING VOTES AND MAKING RETURNS.** § 14. Immediately upon closing the polls, the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, the judges shall reject the ballots, if any be found, which have not the official endorsement thereon. If the number of ballots still exceeds the number of names entered on each of the poll lists, they shall be replaced in the box, and the box closed and well shaken and again opened, and one of the judges shall publicly draw out as many ballots, unopened, as shall be equal to such excess. The ballots which shall be so drawn out as excessive shall be separately marked as "excess ballots," and inclosed in an envelope, securely sealed and marked "excess ballots," and returned in the same manner as "defective" or "objected to" ballots are required to be returned. After the ballots and poll lists have been found or made to agree, the board shall proceed to count the votes. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked, and all ballots marked "defective" or "objected to" shall be inclosed in an envelope, securely sealed and so marked and endorsed as to clearly disclose its contents, and shall be returned to the city clerk. When all the ballots shall have been canvassed, the clerk shall announce to the judges the total number of votes received by each candidate. Each judge of election in turn shall then proclaim, in a loud voice, the total number of votes received by each of the persons voted for and the office for which he is designated, and the

number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people. Immediately after making such proclamation, and before separating, the judges shall fold in two folds and string closely upon a single piece of flexible wire all ballots which have been counted by them, except ballots marked "objected to," unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied without breaking the seal, inclose the ballots so strung in an envelope, with official wax-impression seals, to be provided by the judges, in such manner that it cannot be opened without breaking the seals, and one of such judges shall return said ballots, together with the package containing the ballots marked "defective" or "objected to," in such sealed package or envelope, to the city clerk of the city of Danville within two days after such election. Said package shall be endorsed, "Election returns, — Ward."

**DISPOSITION OF BALLOTS.** § 15. The city clerk shall safely and securely keep and preserve all ballots which shall be returned to him by the judges of election for the space of six months after the same have been returned to him. At the expiration of such six months, the city clerk shall destroy all such ballots by burning, without previously opening the packages or envelopes, in the presence of the said clerk and two electors of approved integrity and good repute, and members, to be designated by the county judge of Vermilion county, respectively of the two leading political parties: *Provided*, That if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined.

**PENALTY FOR FAILING TO MAKE RETURNS.** § 16. If any judge of election chosen to deliver the returns and ballots to the city clerk shall not deliver the same safely, with the seal unbroken, within two days after the election, he shall be subjected to a fine of not less than fifty, nor more than two hundred dollars. The city clerk shall be subject to a like penalty if he fails to deliver the same to the city council in the same condition.

**CANVASSING RETURNS BY COUNCIL.** § 17. When the election returns from all the wards shall be filed with the city clerk he shall, without delay, notify the mayor, who shall immediately convene the council, and the council shall then proceed to open and canvass the returns from each ward, and when finished shall declare the result, and the clerk shall enter the same in full on the journal of proceedings, naming every person voted for, the number of votes he received and for what office the persons elected.

**TIE VOTE—CASTING LOTS.** § 18. The person having the highest number of votes for any office shall be declared elected; when two or more persons receive an equal number, and the highest number of votes for any office, the city council shall cause the city clerk to issue a notice to such persons of such tie vote, and require them to appear before the city council on a day and at a time named in the notice, within ten days from the day of election and determine by lot in the presence of the city council, which of them is to be declared elected; and on the day and at the time appointed, the city council shall proceed to determine the same by lot in their presence, in the manner following: There shall be placed in a ballot box as many folded ballots as there are persons, having an equal and the highest number of votes; on one of the ballots the name of the office for which the candidates were voted for shall be written, and the other ballots shall have some other words written upon them. The candidates shall each draw one ballot, and the candidate drawing the ballot on which the name of the office is written shall be declared elected. If any candidate shall be absent or refuse to draw a ballot, the mayor shall appoint one of the aldermen elected to draw for such candidate.

**NOTICE TO PERSONS ELECTED, ETC.** § 19. The city clerk shall, within five days after any person is declared elected to any office by the city council, notify him in writing of his election, naming the office for which he has been declared elected, and requesting him to qualify within ten days after such notice, and unless such person shall qualify in ten days after such notice the office shall become vacant.

**FAILURE TO ELECT—NEW ELECTION.** § 20. If at any election there is a failure to elect any officer required to be elected by or in pursuance of law, or if the person declared elected should fail to qualify, or should be ineligible to the office because of any legal disqualification, the city council may forthwith order and call a new election therefor.

**ORDER TO BE PRESERVED AT POLLS.** § 21. The city marshal and all other police officers shall attend at all elections for the purpose of maintaining order and keeping the peace. The judges shall maintain order at the polls, and may command any police officer in attendance to arrest any person who shall disturb the peace by riotous or disorderly conduct. Any person who at the polls shall break or disturb the peace, or conduct himself in a riotous or disorderly manner, shall be subject to a penalty not exceeding twenty-five dollars.

**DRAMSHOPS TO BE CLOSED.** § 22. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away at retail, nor shall any saloon or barroom or place where such liquor is sold or given away be open upon any general or special election day in said city. Whoever violates the provisions of this section shall be fined in a sum not less than twenty-five dollars, nor more than one hundred dollars.

**CONTESTING ELECTION OF ALDERMEN.** § 23. The election of any alderman may be contested by any elector of the city of Danville, and the proceedings shall be in the manner hereinafter provided, as nearly as may be. The city council shall be the tribunal before which such contest may be heard, and its decision thereon shall be final.

**STATEMENT OF CONTEST—COPY TO BE SERVED, ETC.** § 24. When any person shall desire to contest the right of another to hold the office of alderman in said city, he shall, within thirty days after the person whose election is contested is declared elected, file with the city clerk a statement in writing, setting forth the points on which he will contest such election, which statement shall be verified by affidavit. Upon filing such statement, such contestant shall also serve a copy thereof upon the person whose election he intends to contest, and in case such person is absent from the city, concealed, or cannot be found, then by leaving a copy of the statement at his usual place of residence.

**TAKING TESTIMONY.** § 25. Whenever said statement shall have been filed, and a copy thereof served as aforesaid, it shall be the duty of the city council, upon the request of either party, to meet and fix the time and place for taking the depositions of witnesses, at which time the contestant shall begin the taking of his testimony, and continue the same from day to day thereafter until all his testimony shall have been taken. When the contestant shall have concluded the taking of his testimony, the contestee shall proceed to take his testimony in the same manner; and the contestant shall be allowed to rebut the testimony of contestee. Such testimony shall be taken in the same manner as is provided by law for taking depositions to be used in cases in chancery.

**TIME FOR FILING PROOF WITH CLERK.** § 26. In all cases of such contested elections, the proof shall be taken and filed with the clerk within sixty days from the taking of the same; but the city council may, upon sufficient cause shown, extend the time. No testimony shall be taken or be produced on the hearing of the con-

test before the city council, except upon the points set forth in the statement filed by the contestant and served upon the contestee.

**HEARING CONTEST BY COUNCIL—DECISION.** § 27. When all the evidence shall have been taken as aforesaid, the same shall be forthwith filed in the office of the city clerk, who shall lay the same before the city council, and the council shall, without delay, refer the same to some appropriate committee to examine and report thereon. Upon such report being made, the city council shall hear the case, and may require all the testimony and proofs taken to be read in open council, and shall, by a majority vote, upon the call of the "yeas" and "nays," declare as elected the person who shall appear by the evidence to be legally entitled to the seat in the council as such alderman; and the clerk shall enter such decision and declaration upon the journal of the city council.

**OPENING AND COUNTING BALLOTS.** § 28. In all cases of contested elections, the parties to such contest shall be entitled to have the package or packages of ballots which have been returned to the city clerk pursuant to law opened in the presence of the committee of the city council, and in the presence of the city clerk, the custodian thereof, and to have said ballots inspected or counted; or the same may be brought into open council, and then and there inspected or counted by the council or a committee appointed for that purpose.

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## CHAPTER XV.

### FEES AND SALARIES.

#### SECTION.

1. Mayor's salary.
2. Compensation of aldermen.
3. Corporation counsel's salary.
4. City attorney's salary.
5. City treasurer's salary.
6. City clerk's salary.
7. City engineer's salary.
8. Compensation of marshal and police.
9. Salaries of members of fire department.
10. Compensation of city collector.

**MAYOR'S SALARY.** § 1. The mayor of the city of Danville shall receive an annual salary of five hundred dollars, payable in quarterly installments.

COMPENSATION OF ALDERMEN. § 2. The aldermen of said city shall each receive for his services the sum of two dollars per night for each meeting of the council actually attended by him, payable quarterly.

CORPORATION COUNSEL. § 3. The corporation counsel of said city shall receive an annual salary of six hundred dollars, payable in quarterly installments.

CITY ATTORNEY'S SALARY. § 4. The city attorney shall receive an annual salary of four hundred dollars, payable in quarterly installments. In addition to said sum, said city attorney shall receive one-fourth of all the fines imposed and collected for violation of city ordinances, in cases where said city attorney shall personally attend the trial and prosecute the case.

SALARY OF CITY TREASURER. § 5. The city treasurer shall receive as his salary the sum of four hundred and twenty dollars per annum, payable in monthly payments of thirty-five dollars.

SALARY OF CITY CLERK. § 6. The city clerk shall receive an annual salary of eight hundred and forty dollars, payable in monthly installments of seventy dollars.

SALARY OF CITY ENGINEER. § 7. The city engineer shall receive an annual salary of twelve hundred dollars, payable in monthly installments of one hundred dollars.

COMPENSATION OF MARSHAL AND POLICE. § 8. The city marshal shall receive a salary of one thousand dollars, payable in equal monthly installments.

The night captain of the police shall receive a salary of seventy-five dollars per month, and each policeman shall receive a salary of sixty dollars per month, payable monthly: *Provided*, That the turnkey shall receive only fifty-five dollars per month.

SALARIES OF MEMBERS OF THE FIRE DEPARTMENT. § 9. The salaries of the several members of the fire department shall be as follows:

The chief of fire department shall receive one thousand dollars per annum, payable in equal monthly installments, and each member of the fire department shall receive fifty-five dollars per month, payable monthly.

COMPENSATION OF CITY COLLECTOR. § 10. The city collector of special taxes shall receive as compensation for all services rendered, one per cent. on all special taxes collected and paid into the city treasury by him.

## CHAPTER XVI.

## FIRE LIMITS AND FIRE DEPARTMENT.

## SECTION.

1. Boundaries of fire limits.
2. Permits for buildings.
3. Character of buildings in fire limits.
4. No wooden buildings allowed in fire limits.
5. Removal of wooden buildings.
6. Wooden building defined.
7. Wooden building declared a nuisance—abatement.
8. Damaged buildings to be removed.
9. Procedure for condemnation of building.
10. Removal of damaged building—penalty.
11. Penalty for violating ordinance.
12. Stovepipes—chimneys—hearths.
13. Hot-air, water and steam furnaces.
14. Boiler houses and boiler rooms.
15. Penalties for violating sections 13 and 14.
16. Shavings, stoves, fires, lights, etc., in shops.
17. Lights in barns, etc.
18. Carrying fire, etc.
19. Deposit of ashes.
20. Burning straw—bonfires.
21. Boiling pitch, tar, etc.
22. Fire in building—outdoor fires.
23. Burning out chimneys.
24. Scattering shavings, etc.
25. Spittoons.
26. Fire wardens, etc.
27. Exits to theatres hereafter constructed.
28. Exits and ladders to theatres now built.
29. Procedure to enforce construction of exits and placing the ladders.
30. Powder.
31. Planing mills—lumber yards—a nuisance.
32. Application of chapter from section 12 to 32.

## FIRE DEPARTEENT.

33. Members of fire department.
34. Duties of chief of fire department.
35. Duties of members of the fire department—removal—turnkey.
36. Bystanders subject to orders of chief, etc.
37. Breaking apparatus.
38. Driving vehicle over hose.
39. Locomotive or cars running over hose.
40. Throwing water on persons, etc., unnecessarily.
41. Absence of chief.
42. Vehicles obstructing street at fire.

BOUNDARIES OF FIRE LIMITS. § 1. All that part of the said city embraced within the following described boundaries is hereby fixed and established as the fire limits of said city, viz: Commencing



at a point on the east side of Gilbert street one hundred and fifty feet north of the north line of Main street, running thence east on a line parallel with said Main street to the east line of Pine street; thence north along the east line of Pine street to a point one hundred and fifty feet north of the north line of North street; thence east to the east line of Walnut street; thence north to the south line of Madison street; thence east to the east line of Hazel street; thence south to a point one hundred and fifty feet north of the north line of North street; thence east to the east line of the right of way of the Wabash railroad; thence in a southwesterly course along the east boundary line of said right of way to the Vermilion river; thence up the channel of said river to a point opposite the east line of Gilbert street extended; thence along the east line of said Gilbert street to the aforesaid point of commencement.

PERMITS FOR BUILDINGS IN THE FIRE LIMITS. § 2. No building of any kind shall hereafter be erected within the aforesaid fire limits without a permit therefor, issued as herein prescribed. Any person desiring to erect any building or structure within the aforesaid fire limits, shall, before commencing to erect the same, submit to the city engineer the plans and specifications for such proposed building or structure. And it shall be the duty of said city engineer to examine the same and ascertain whether the same complies with the ordinances of the city; and if the same are found to be in conformity with such ordinances, then, the said city engineer shall issue to the owner, the architect, contractor or other person in charge of such construction and making such application, a permit, authorizing the construction of such building or structure in accordance with such plans and specification. And neither the owner, architect, contractor or agent of any such building shall make any departure from such plans and specifications in the construction of the outside or party walls or roof, thereby increasing the liability of such building to take fire or burn; any person so doing shall forfeit all rights under such permit and the same shall become null and void. Any owner, agent, architect or contractor, or other person, engaged in the erection of any such building contrary to the provisions of this section, or any of them, shall be subject to a fine of not less than ten dollars, nor more than two hundred dollars.

CHARACTER OF BUILDINGS IN FIRE LIMITS. § 3. No building or structure of any kind or description shall be erected or constructed within the fire limits of said city, unless the outside or party walls thereof shall be composed entirely of brick, stone, iron or other

incombustible material; and the said walls shall be not less than nine inches thick in all buildings of one story in height; in buildings of two stories in height such walls shall not be less than thirteen inches thick; and if any building shall be more than two stories in height, the outside walls of the stories above the second shall not be less than nine inches in thickness. The stories herein referred to are those above the basement. The cornices, window caps and sills of all such buildings shall be composed of iron, stone, brick or other incombustible material. The roof shall be covered with iron, tin, or slate: *Provided*, that felt, tar or other composition roofing may be allowed, if such felt shall be covered with distilled roofing cement, or other equally non-inflamable material, and well covered with gravel, or other non-combustible material.

NO WOODEN BUILDINGS ALLOWED IN FIRE LIMITS. § 4. No wooden building or wooden part of building within the aforesaid fire limits shall be raised, enlarged, remodeled, or repaired except that the owners of such buildings may raise the same to a height not exceeding three feet above the established grade of any adjacent street, by putting a brick or stone foundation wall under such building so raised to the grade of such adjacent street; *Provided*, that the owner of any such building by himself or agent, shall first obtain a permit from the city engineer in the manner provided in section two of this chapter.

REMOVAL OF WOODEN BUILDINGS. § 5. No wooden building shall be removed from any part of the city, whether the same is within or without the said fire limits, to any place within the said fire limits.

WOODEN BUILDING DEFINED. § 6. The term, "wooden building," used in this chapter of this ordinance shall be understood to embrace and mean all buildings, tenements, houses, stables, out houses, sheds and structures of every description having a ground plan covering over fifty square feet of surface, the outer walls of which are in whole or in part constructed or built of wood, whether the roof of the same shall rest upon the walls thereof or upon wooden, iron, brick or stone, upright posts or pillars, and that all sheds or other structures, the roofs of which shall be supported directly or indirectly, by wooden posts or other fixtures made in whole or in part of wood, whether the same are enclosed or not, are hereby declared to be within the meaning of the term, "wooden building," as used in this chapter.

WOODEN BUILDINGS DECLARED A NUISANCE—ABATEMENT. § 7. Any wooden building which may be erected, placed or repaired within said fire limits contrary to the provisions of this ordinance is hereby declared to be a nuisance, and it is hereby made the duty of the mayor to notify in writing the owner, occupant, or builder of any wooden building erected, placed or repaired within said fire limits contrary to the provisions of this chapter, to abate such nuisance within forty-eight hours from the service of such notice, and in case such owner, occupant or builder shall fail to abate such nuisance within the time specified in such notice, it is hereby made the further duty of said mayor to cause such nuisance to be abated by razing such wooden building to the ground.

DAMAGED BUILDINGS TO BE REMOVED. § 8. When any wooden building within said fire limits shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of the original value of the same, such building shall be torn down or removed beyond said fire limits, after the extent of the damages thereto caused as aforesaid has been ascertained in the manner hereinafter provided.

PROCEDURE FOR CONDEMNATION OF BUILDING. § 9. Whenever any member of the city council, policeman, member of the fire department or citizen shall make complaint in writing to the police magistrate that any wooden building within such fire limits has been damaged by fire, decay or otherwise to the extent of fifty per cent. of its original value, describing the property and giving the owner's name, such magistrate shall issue a notice to such owner, embodying the substance of such complaint, commanding such owner to appear before such magistrate at a time therein specified not less than five nor more than ten days from the date of such notice, and at the time and place fixed in such notice, provided that the return of such notice shall show that such owner had been served with said notice by reading or by leaving a copy at the residence of such owner three days before the time fixed for the hearing, such police magistrate shall impanel a jury of twelve disinterested free holders of the city, who after being duly sworn fairly and impartially to ascertain if the building in issue shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of its original value, hear the evidence and view the building at issue, and hearing the argument of counsel, and bring in a verdict according to the facts and evidence; and in case the jury find a verdict that such building has been damaged by fire, decay or otherwise, the police magistrate shall record a judgment

and direct such owner to remove from the fire limits aforesaid or tear down such building within thirty days from the entry of such order; and that in case of the default of such owner in removing or tearing down such building within the said thirty days that the city marshal of the city shall remove or tear down such building, the cost or expense of which removal or tearing down shall be charged to such owner and if not paid by such owner the same shall be collected by suit in the name of said city against such owner. At the impaneling of such jury the said owner and the prosecutor shall have a right to three peremptory challenges each, and to challenge any juror for prejudice, interest or any other just cause. In case the owner of any such building shall be a non-resident of this county, it shall be sufficient to serve the notice hereinbefore provided for upon the tenant or the person in possession of said building by delivering a true copy of such notice to him not less than seven days before the day set for such hearing.

**REMOVAL OF DAMAGED BUILDINGS—PENALTY.** § 10. Whenever any building has been ordered to be torn down or removed in accordance with the provisions of sections 8 and 9 of this chapter, and the owner thereof refuses, neglects or fails to tear down or remove the same within thirty days from the date of the entry of such order upon the docket of the magistrate, then such person shall be fined not less than twenty dollars for each and every day or part of a day that such owner may permit or suffer such building to remain after the expiration of the time within which such building was ordered and adjudged to be torn down or removed.

**PENALTY FOR VIOLATING ORDINANCE.** § 11. Any owner, builder or other person who shall own, build or aid in the erection of any building or part of building within said fire limits contrary to or in any other manner than that authorized by the provisions of this chapter of this ordinance, or who shall remove or assist in removing any wooden building within said limits from one place to another place therein, or who shall remove or assist in removing any such building from without said fire limits into the same, or repair or assist in repairing any damaged building contrary in either case to any provision in this chapter of this ordinance, shall be subject to a fine of not less than twenty dollars, nor more than two hundred dollars for each offense, and to a like fine for every forty-eight hours such person shall fail to comply with the provisions of this chapter of this ordinance, or continue in the violation thereof.

**STOVEPIPES—CHIMNEYS—HEARTHES.** § 12. All stovepipes shall be securely put up, so as not to be in danger of falling, and shall be

separated at least three inches from any wood or other combustible materials by a double circle of tin, zinc or sheet-iron, connected with like metal, with airholes through the connecting metal between the pipe and the wood or stone cylinder. All stoves put up or used without secure aprons or hearths shall be placed upon a platform of brick, zinc or other incombustible material extending far enough around the same to prevent the fire from falling upon the floor, and if set within eighteen inches of the woodwork of any wall the same shall be protected with zinc or other incombustible covering, so as effectually to prevent fire from the stove. All chimneys or flues shall be four inches thick, built of brick or stone, well laid in mortar and well plastered inside, and shall be constantly kept in good condition, so as to be safe and secure against fire. Whoever shall put up, erect or build any stove, stovepipe, chimney or flue contrary to the requirements of this section shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars; and whoever shall use any such stove, stovepipe, chimney or flue so put up or erected contrary to the requirements of this section shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars, and one dollar in addition thereto for each day the same may be used after notice shall have been given, either verbally or in writing, by the mayor or any alderman or the city marshal or any policeman of said city that such stove, stovepipe, chimney or flue is put up, built or erected contrary to the provisions of the ordinances of said city.

**HOT-AIR, WATER AND STEAM FURNACES.** § 13. Hot-air, hot-water, steam and other furnaces, whether brick or metal, shall be kept at least ten inches, and the smoke-flue at least twenty inches off from any unprotected woodwork. All furnaces shall be placed on foundations of brick or stone, or other non-combustible material, with proper hearths of like material at least twenty-four inches wide in front of the ashpit. All hot-air conductors that are placed within ten inches of any woodwork shall be made double, one within another, with at least one-half inch space between the two. All hot-air registers shall be set in incombustible borders not less than two inches in width. All such borders shall be firmly set in plaster-of-paris. Openings in floors for registers shall be lined with bright tin to receive the register boxes, the lining to be kept at least one inch distant from such register box. I. C. or I. X. bright tin shall be used in the construction of all hot-air flues and their appendages.

**BOILER HOUSES AND BOILER ROOMS.** § 14. The woodwork of all boiler houses and boiler rooms shall be kept at least six feet from

the boiler, and four feet from the breeching or smoke conductor, and one foot from the dome of the boiler, unless such woodwork is properly protected with non-combustible material, and then there shall be at least two feet space between the boiler or smokepipe and the protection.

**PENALTIES FOR VIOLATING SECTIONS 13 AND 14.** § 15. Any person who shall violate any of the provisions of sections 13 and 14 of this chapter shall be fined not less than ten dollars, nor more than one hundred dollars for each offense, and shall be subject to a like fine for every day he shall permit such violation to continue and remain upon his premises after having been once convicted on account thereof.

**SHAVINGS, STOVES, FIRES, LIGHTS, ETC., IN SHOPS.** § 16. All mechanics or other persons using or occupying shops, buildings or places where shavings or other like combustible materials are made or accumulated shall clear out or remove such combustible materials from the buildings, shops, and the premises adjacent or attached thereto as often as may be necessary to prevent the dangerous accumulation thereof. The stove or stoves used in any such shop or building shall be set in a box or frame extending at least six inches above the floor, and at least eight inches around and outside the stove, and filled or lined with fireproof material. All lighted candles or lamps used in any such shops or buildings shall be set in a candlestick or stand not liable to take fire, and all such lights shall be kept at a secure distance from any combustible material. No person shall leave any such light or fire burning in any such buildings in such manner or for such length of time that the same may be in danger of communicating the fire to any part of such shop or building or such shavings or other combustible material. Whoever shall violate any of the provisions of this section shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

**LIGHTS IN BARNs, ETC.** § 17. No person shall carry or use any lighted candle or lamp or fire in any part of any building or stable where any hay, straw or other like combustible materials are kept, without securing the same in a lantern or some secure casing, so as not to endanger the taking fire thereby, under a penalty of not less than three dollars, and not exceeding one hundred dollars.

**CARRYING FIRE, ETC.** § 18. No person shall carry from one place to another any fire or live or burning coals, without securing the same in such manner as to prevent the coals or sparks from falling therefrom, and so as not to endanger any building or property



thereby, under a penalty of not less than three dollars, and not exceeding one hundred dollars.

**DEPOSIT OF ASHES.** § 19. No person shall keep or deposit any ashes in any building, or in any place within twenty feet of any building, shed or fence, or other combustible material, unless within a secure and covered metallic or earthenware or other fireproof vessel or in a fireproof ash-house, under a penalty of not less than three dollars, and not exceeding one hundred dollars; and all soap boilers or other persons using ashes in manufacture in any wooden vessel or structure shall keep them well dampened or saturated with water, under a penalty of not less than three dollars, and not exceeding one hundred dollars.

**BURNING STRAW—BONFIRES.** § 20. No person shall set fire to or burn shavings, straw or other material in any open or public place in the city, except in the daytime, nor then unless the condition of the wind and weather be such that such fire will not be likely to endanger or damage any building or other property, nor within thirty feet of any building, under a penalty of not less than three dollars, and not exceeding one hundred dollars: *Provided*, That bonfires may be built at night at any safe and proper place within the city by consent of the mayor.

**BOILING PITCH, TAR, ETC.** § 21. No person shall boil any pitch, resin, tar or other inflammable liquor or substance, except within a building so secured as not to be endangered if such pitch, resin, tar or other combustible material shall take fire, or in any open place unless at least twenty feet distant from any building or property likely to be endangered or damaged thereby, under a penalty of not less than three dollars, and not exceeding one hundred dollars.

**FIRE IN BUILDING—OUTDOOR FIRES.** § 22. No person shall make, kindle or use any fire in any building, out-building, shed or other structure, except within a secure fireplace, stone furnace or other fireproof structure made for that purpose. Nor shall any person make, kindle or use any fire out of doors within twenty feet of any building or other property likely to be endangered thereby, unless within a proper stone furnace or other secure structure, nor leave any such fire burning. Each person violating the provisions of this section shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

**BURNING OUT CHIMNEYS.** § 23. No person shall set fire to or burn out any chimney, flue or stovepipe except in the daytime, nor then when wind or weather may be such as to endanger other



buildings or property, and the person or persons occupying any building shall prevent and remove all dangerous accumulations of soot, under a penalty of not less than three dollars, and not exceeding one hundred dollars.

SCATTERING SHAVINGS, ETC. § 24. No person shall trail, strew or leave any shavings or other like combustible materials in, around or near any building or propepty, so as to endanger or be likely to endanger or damage the same thereby, under a penalty of not less than three dollars, and not exceeding one hundred dollars.

SPITTOONS. § 25. Whoever shall use any box or other vessel filled with any sawdust or other combustible material as a spittoon shall be fined not less than one, nor more than twenty-five dollars.

FIRE WARDENS, ETC. § 26. The mayor, the aldermen, the city marshal, the policemen and the chief of the fire department shall be ex-officio fire wardens, and they shall have power and authority to enter all buildings and premises to examine whether they are in a safe condition, and shall enforce, or cause to be enforced, all the provisions hereof, and shall prosecute, or cause to be prosecuted, all violations of the provisions hereof. The chief engineer or one of the assistant engineers of the fire department shall, whenever requested by the city marshal or the mayor, carefully examine any or all buildings within the city, and shall notify the owner or owners, occupant or occupants thereof to cause any chimney, flue, stove, stovepipe, ash-house, furnace or other place in which fire may be kept or used, which may be deemed unsafe or dangerous, or any other cause from which immediate danger of fire may be apprehended, or which may be deemed unsafe or dangerous in promoting fires, to be without delay removed, abated or placed in a safe condition; and upon the neglect or refusal of any owner or occupant to comply with such notice he shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars, and the officer shall, without delay, cause such buildings or premises to be placed or put in a safe condition, and the necessary cost of so doing shall be collected of such owner or occupant, and recovered by suit in the name of the city before any court having jurisdiction.

EXITS TO THEATRES HEREAFTER CONSTRUCTED. § 27. Every theatre, opera house or public hall, with accommodations for three hundred or more people, hereafter erected or constructed within said city, shall have at least two separate and distinct exits, to be as far apart as may be practicable. The exits from all galleries shall be inde-

pendent of and separate from the exits of the main floor. All of said exits and the stairways leading thereto shall in no case be less than five feet in width, nor aggregate a less proportion than twenty inches for each one hundred persons such theatre or other room may contain or accommodate. All doors of such buildings shall be made to swing outward. Any person violating this section or any part thereof shall be fined not less than one hundred dollars, and ten dollars for each day he shall allow such violation to remain, after having been once convicted hereunder.

**EXITS AND LADDERS TO THEATRES NOW BUILT.** § 28. Any building or any part thereof now erected and now used or hereafter used as a theatre, opera house or public hall, with accommodations for three hundred or more people, shall have at least two separate and distinct exits from the auditorium, to be as far apart as may be practicable, both of which can be used for the egress of people from the auditorium in case of fire or accident. Said exits shall be at least five feet in width, and shall not aggregate a less proportion than twenty inches for each one hundred persons such theatre or other room may contain or accommodate. If such theatre or other room is in the upper stories of any building, such building shall also be provided with one or more metallic ladders or fire-escapes, extending from the first to the upper stories of such building, to be placed in such location and of such number, material and construction as may be by the mayor and the committee on fire and water of the city council, or a majority of them, from time to time determined.

**PROCEDURE TO ENFORCE CONSTRUCTION OF EXITS AND PLACING OF LADDERS.** § 29. In case any building or any part thereof now or hereafter used as a theatre, opera house or public hall shall not have the necessary exits, or shall not be supplied with suitable or sufficient metallic ladders or fire-escapes, as in the preceding section provided, then said building shall be examined by the mayor and the said committee on fire and water, and the location of such additional exits and ladders or escapes shall be by them determined; and upon such determination as aforesaid the mayor shall immediately serve, or cause to be served, upon the owner, lessee or occupant of any such theatre, opera house or public room a notice in writing, by copy, to construct such exits and place and maintain such ladders or fire-escapes within thirty days after the date of the service of such notice. In case such owner, lessee or occupant, so served with said notice as aforesaid, shall not, within thirty days after such service upon him or them, construct such required exits and place such required ladders

upon said building as designated in such notice, he or they shall be fined not less than ten dollars, nor more than two hundred dollars, and shall be subject to a further fine of fifty dollars for each week of such failure to comply with such notice, after the service of the same : *Provided*, The mayor may, in his discretion, extend the time for such person, so notified as aforesaid, to comply with such notice, upon good and sufficient cause being shown him, for a period not exceeding thirty days after the expiration of the thirty days named in said notice.

**POWDER.** § 30. Whoever shall keep or cause to be kept, or knowingly allow his premises to be used for storing more than twenty-five pounds of powder within the city limits, within one hundred yards of a dwelling or storehouse, shall be subject to a penalty of not less than twenty-five dollars, and not exceeding one hundred dollars.

**PLANING MILLS—LUMBER YARDS—NUISANCE.** § 31. There shall not be hereafter erected, maintained, built, operated or used any planing mill, sash, door or blind factory or chair or furniture factory, or lumber yard, wood yard, or oil mill or paper mill within the aforesaid fire limits. And every lumber yard now established within the said fire limits is hereby declared to be a nuisance, and the city authorities shall, at the earliest practical day, provide for the abatement of such nuisance by the removal of all lumber yards now established within said fire limits beyond the fire limits of said city.

**APPLICATIONS OF CHAPTER FROM SECTION 12 TO 32.** § 32. All of the sections of this chapter after and including section 12 shall apply to and be in force in all parts of said city, both within and without the fire limits.

#### FIRE DEPARTMENT.

**MEMBERS OF FIRE DEPARTMENT.** § 33. The fire department of the city of Danville shall consist of the mayor, committee on fire and water, a chief of fire department, one engineer, one driver, four hosemen, the turnkey of the city prison, and such other persons as the city council may from time to time, by ordinance provide.

**DUTIES OF CHIEF OF FIRE DEPARTMENT.** § 34. The chief of the fire department shall be the commanding officer of the department, subject to the orders of the mayor and also the city council when

in session. He shall have charge of the fire hydrants of the city, and the general care and custody of the engines, hose carts and hose horses, trucks, hooks and ladders, fire alarm boxes and wires and all other property and equipments belonging to the fire department, and he shall personally attend to all repairs required to be made upon the same. He shall attend all fires occurring within the city and take command of the organization and shall see that the several members of the fire department faithfully perform their respective duties. With the concurrence of the mayor, he may order the tearing down and removal of any building, or may direct the blowing up of any building, when in either case, it shall be deemed absolutely necessary to check the progress of any fire. He shall keep in a book provided for that purpose, by the city, a full and accurate record of all the property and equipments of the fire department, together with a record of all fires which shall occur within the city, and the causes thereof so far as known and the extent of the loss by such fire, and the date of the fire, the name of the owner of the property destroyed, amount of insurance, and such other information as he may deem of importance to the city. At the close of each fiscal year he shall make a written report to the city council showing the condition of the department under his charge and a complete statement of all its transactions during the current year. He shall also visit and examine all places reported to him by any reliable person as being liable to cause or occasion the breaking out or spread of fire and to make such provision in relation thereto as the protection of life and property in the city may require.

**DUTIES OF MEMBERS OF THE FIRE DEPARTMENT—REMOVAL—TURNKEY.** § 35. The members of the fire department shall obey the orders and directions of the chief of the fire department: they shall diligently serve the city in all things pertaining to their employment; they shall, when directed by said chief, sleep in the rooms provided in the city building for such purpose, and be ready at all times to respond for duty in case of fire. They shall wear such uniform or insignia of office as may be provided and shall at all times conduct themselves in an orderly and proper manner. For any flagrant breach of duty, the mayor may at any time discharge any member of the force, but he shall report his action to the council, with his reasons therefor, at the next regular meeting of the council, occurring after such discharge. The turnkey at the city building shall not be required to perform any service, except as turnkey and pound keeper, except in case of fire when he shall be subject to the orders of the chief of the fire department.

BY-STANDERS SUBJECT TO THE ORDERS OF THE CHIEF, ETC. § 36. Every person above the age of eighteen years present at any fire in the city, shall be subject to the orders of the chief of the fire department in extinguishing the fire and in removing and protecting property, and in case any person shall neglect or refuse to obey such orders, he shall be liable to a fine of not more than twenty dollars for each offense: *Provided*, that no person not a member of the fire department shall be bound to obey the orders of the chief of the fire department, unless such chief shall wear his badge of office or his official character shall otherwise be known or made known to such person.

BREAKING APPARATUS. § 37. Whoever shall willfully break, deface or destroy or otherwise injure any fire apparatus belonging to the city, shall be subject to a penalty of not less than twenty-five dollars and not exceeding one hundred dollars, and in addition thereto, the expenses that may be incurred in repairing the injuries committed, shall be added to the penalty and form a part thereof.

DRIVING VEHICLE OVER HOSE. § 38. Whoever shall drive any vehicle over any hose of the fire department laid for use upon any street, alley, or public ground, except at a point where such hose is protected by wooden railings laid along side thereof, or otherwise, shall be fined not less than three dollars nor more than fifty dollars.

LOCOMOTIVE OR CARS RUNNING OVER HOSE. § 39. Any engineer in charge of any railroad locomotive, who shall run any locomotive or any car or cars attached thereto over any hose of the fire department laid for use over or across any railroad track, shall be fined not less than five dollars nor more than fifty dollars, and the conductor or other person in charge of any such car or train of cars, running over said hose as aforesaid, shall be subject to the same penalty as the engineer.

THROWING WATER ON PERSONS, ETC., UNNECESSARILY. § 40. Whoever shall willfully or unnecessarily throw any stream of water from any fire hose upon any person or property whether at a fire or drill of the department, or in the test of any portion of the water works of the city, shall be fined not less than three dollars nor more than fifty dollars.

ABSENCE OF CHIEF. § 41. The chief of the fire department shall not absent himself from the city without permission from the mayor, under a penalty of not less than five dollars. And in case of his absence or a vacancy in the office of the chief, the mayor shall designate some member of the fire department or some compe-

tent citizen as the acting chief of the fire department, who shall possess all the authority and power of the officer during such temporary appointment.

VEHICLES OBSTRUCTING STREET AT FIRE. § 42. Whoever shall stop with any wagon, carriage or other vehicle in the street at any point in the vicinity of a fire so as to obstruct or blockade any street or alley, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than three dollars nor more than fifty dollars.

## CHAPTER XVII.

### HEALTH DEPARTMENT.

#### SECTION.

1. Health commissioner.
2. Appointment of commissioner.
3. Duties of commissioner.
4. Assistant commissioners of health.
5. Hospitals—nurses.
6. Removal and care of persons with contagious disease.
7. Notice of pestilence—penalty.
8. Reports of physicians—blanks.
9. Changing wearing apparel.
10. Spreading of smallpox.
11. Bringing persons or clothing infected into the city.
12. Removal of infected clothing—disposition of excrement, etc.
13. Vaccination of persons.
14. Burial permits.
15. Scavengers—permit must be obtained.
16. Scavengers to make report to commissioner.
17. Report of commissioner of health.
18. Payment of expenses.
19. Penalties.
20. Compensation of commissioner.
21. Present commissioner of health to continue in office.

HEALTH COMMISSIONER. § 1. There is hereby created the office of commissioner of health, who shall have the management of all matters and things pertaining to health and the sanitary condition of the city.

APPOINTMENT OF COMMISSIONER. § 2. At the first regular meeting in May, A. D. 1893, and biennially thereafter, the mayor, by and with the advice and consent of the city council, shall appoint a competent and reputable physician of the city of Danville as



commissioner of health, who shall hold his office for two years and until his successor is appointed and qualified. Said commissioner before entering upon the duties of his office, shall execute a bond to the city of Danville in the penal sum of two thousand dollars, with sureties to be approved by the city council for the faithful performance of the duties of his office. In case a vacancy shall occur in the office of commissioner of health, by death, resignation, removal from the city or from other cause, the vacancy shall be filled for the unexpired term in like manner.

**DUTIES OF COMMISSIONER.** § 3. The said commissioner of health shall have charge of all matters and things pertaining to the public health. He shall see that all business is conducted with due regard to the public health and shall report to the mayor or city council all delinquencies in this respect. He shall cause all nuisances to be abated or removed which are prejudicial or obnoxious to the public health; whenever he shall learn of the existence of any contagious, pestilential or malignant disease in the city, he shall take all necessary steps to arrest its progress. He shall use every precaution to prevent the introduction and spread of any such disease. He shall at least once a month, and oftener if necessary, personally visit and inspect all places and parts of the city which he may deem likely to create or promote the spread of any such disease and shall take all necessary steps to put such place or part of said city in a good, sanitary condition. He shall give to the mayor and other city officers all such professional advice and information as they may require with a view to the preservation of the public health. He shall enforce all the laws of the state and the ordinances of the city in relation to sanitary regulations, and for such purposes he shall be permitted at all reasonable hours of the day to enter into any store, shop, dwelling, stable or any private building or place for the purpose of examining and inspecting the same. He shall cause all cellars, privy vaults, cesspools, sinks and drains to be kept properly cleansed and in good condition, or to abate the same; he shall have power to cause all dead animals or other nauseous or unwholesome things or substances to be removed, burned or buried as he may direct. He shall have power to do all things lawful and necessary for the preservation of the public health.

**ASSISTANT COMMISSIONERS OF HEALTH.** § 4. Whenever any contagious, pestilential or infectious disease is prevalent in the city of Danville, or in the vicinity thereof, which is liable to become epidemic in said city, the mayor, by and with the consent of the



city council, may appoint two regularly licensed and practicing physicians as assistants to the said commissioner of health. Said physicians when so appointed shall render all aid and assistance within their power to the commissioner of health, and shall be under his direction and control, and shall have all the powers given to the commissioners of health, subject, however, to the directions of the commissioner of health. In all cases of doubt or dispute as to the existence of any such contagious, pestilential or infectious disease in any house or place within the said city of Danville, during the time when said assistant commissioners of health are serving as such, the said commissioner of health shall call to his aid the services of such assistants and the decision of a majority of such commissioners shall be conclusive of the existence or non-existence of such disease. Said assistant commissioners shall receive as compensation for their services the sum of twenty dollars per month for such time as they may serve, *Provided*, however, they shall not be paid for more than two months' service under one appointment, except by special resolution of the city council. Any person who shall neglect or refuse to obey the orders or directions of such assistant commissioners, or either of them, given under or by virtue of the ordinances of the city of Danville shall be subject to the same penalty which is or may be prescribed by ordinance for a refusal to obey the orders of the commissioner of health.

HOSPITALS—NURSES. § 5. The said commissioner of health may, whenever the preservation of the public health of the city shall render it necessary, establish such temporary hospitals and provide such necessities therefor as the public exigency may require. Said commissioner of health shall be authorized to employ competent nurses for such hospital or hospitals, and shall see that all such nurses employed by him shall faithfully perform their several duties. All the necessary expenses attending the maintenance of such hospital or hospitals shall be paid for by the city, provided that no gratuitous services shall be rendered to persons who are pecuniarily able to pay for such services.

REMOVAL AND CARE OF PERSONS WITH CONTAGIOUS DISEASES. § 6. It shall be the duty of the commissioner of health to visit and examine all persons within the city who are reported to him as laboring or supposed to be laboring under any contagious, pestilential, malignant or infectious disease, and if he shall deem it necessary so to do, shall cause such person so laboring under any such contagious, pestilential, malignant or infectious disease to be removed to some

safe and proper place where danger from contagion will be avoided, and shall see that such person is provided with ample and suitable medical and other attendance at the expense of such person if he is able to pay for the same, and if not able to pay for the same, then at the expense of the city: *Provided*, that if such person is a resident of the city and shall refuse to be removed, and if his condition is such that, in the opinion of the attending physician, removal would be attended with danger to his life, then such measures shall be taken by said commissioner as shall be deemed most advisable to prevent the spreading of the disease with which such person is afflicted. In case of the death of any such person the said commissioner shall direct the manner of interment.

NOTICE OF PESTILENCE—PENALTY. § 7. If any person in said city shall have the small pox, scarlet fever, cholera, diptheria, or any pestilential, contagious or infectious disease, the commissioner of health shall cause a notice, written or printed in large letters, with the name of such disease, to be placed in a conspicuous place upon the house where such person is sick, and such notice shall be kept posted so long as directed by the commissioner of health. If any person or persons shall deface, alter, mutilate, cover up, tear down or destroy such notice, without permission from said commissioner of health, such person or persons shall be liable to pay a fine of not less than ten nor more than fifty dollars for each offense. And this section of this ordinance shall be printed upon such notice so required to be posted.

REPORT OF PHYSICIANS. § 8. Every practicing physician of the city of Danville who shall have any patient therein laboring under any contagious, pestilential or infectious disease shall forthwith make report thereof in writing to the commissioner of health stating the name and describing the locality of such patient, so he may be easily found. For a neglect or failure to so report, such physician shall incur a penalty of not less than five dollars nor more than fifty dollars for each offense. And the said commissioner of health shall constantly keep on hands all necessary blanks for the furnishing of such information.

CHANGING WEARING APPAREL. § 9. Any physician, nurse or servant attending or being about any person having the smallpox or like infectious disease, who shall not change or purify his wearing apparel before going upon any street or into any public place, or shall otherwise conduct himself so as to endanger the spreading of

the disease, shall, for each and every such offense, be liable to a fine of not less than five, nor more than fifty dollars.

**SPREADING OF SMALLPOX.** § 10. Any person having or having had the smallpox or other infectious or malignant disease, who shall go about in any street or public place while likely to give the disease to others, shall be fined not less than five, nor more than fifty dollars for each offense.

**BRINGING PERSON OR CLOTHING INFECTED INTO THE CITY.** § 11. Whoever shall bring into said city any person having the smallpox or other like infectious or contagious disease, or any clothing, bedding or other article or thing infected with smallpox or other like infectious disease, shall, upon conviction, be fined not less than twenty, nor more than one hundred dollars for each offense.

**REMOVAL OF INFECTED CLOTHING FROM CITY.** § 12. It shall be the duty of the commissioner of health to cause any wearing apparel, bedding or other article or thing which he may deem infectious or likely to endanger the public health or safety, to be removed beyond the limits of the city and judiciously burned and destroyed. Said commissioner of health shall have power to make all necessary regulations and give all necessary directions for the disposal of all excrement from such diseased person, and for the disposal of all slops resulting from the care of such patient.

**VACCINATION OF PERSONS.** § 13. The commissioner of health shall take such steps as he may from time to time deem necessary to prevent the spread of smallpox by issuing an order requiring all persons in the city needing vaccination to be vaccinated within such time as he shall prescribe; and all persons refusing to comply with such order shall be fined not less than three, nor more than twenty dollars: *Provided*, It shall be the duty of the commissioner of health to provide for the vaccination of all persons unable to pay for the same.

**BURIAL PERMITS.** § 14. No dead body of any person shall be taken from said city for interment by any undertaker or other person until a permit therefor from the commissioner of health shall have been granted, nor shall any sexton or other person having charge of any cemetery or other place for the burial of the dead within said city receive any such body for burial unless such permit shall have been granted. Any undertaker, sexton or other person violating the provisions of this section shall be fined not less than five, nor more than fifty dollars for each offense.

SCAVENGERS—PERMIT MUST BE OBTAINED. § 15. No person shall engage in or carry on the business of cleaning privy vaults or the removal of other filth from the streets, alleys or private property in said city, for hire, without first obtaining a permit so to do from the commissioner of health. Any person who shall so engage in or carry on said business without first having obtained said permit shall be fined not less than five dollars, nor more than one hundred dollars for each offense.

SCAVENGERS TO MAKE REPORTS TO COMMISSIONER. § 16. All persons who shall so carry on or engage in said scavenger business shall, whenever required by said commissioner of health, or at such stated intervals as said commissioner of health may establish, make a written report to him, stating the kind of matter removed, the time of such removal, the premises from which the same were removed, and the disposition made of the same. And any such person who shall fail to make such report shall be fined not less than three dollars, nor more than two hundred dollars, and the said commissioner of health shall, if he so elects, have power to revoke the permit given to said person as provided for in the previous section.

REPORT OF COMMISSIONER OF HEALTH. § 17. The commissioner of health shall annually, on or before the first day of May, send or deliver to the city clerk a full and complete statement of all matters pertaining to his office during the year, together with an estimate, in detail, of the appropriations required for the next municipal year.

PAYMENT OF EXPENSES. § 18. All bills or accounts for expenses incurred by the commissioner of health under the provisions of this ordinance shall be audited and certified to by the said commissioner of health and paid by the city council.

PENALTY. § 19. Any person who shall neglect or refuse to obey the orders and directions of the commissioner of health, given under and by virtue of the provisions of this ordinance, or any person who shall refuse to permit the said commissioner of health to visit and inspect any building or premises, shall, for either offense, be fined not less than three dollars, nor more than one hundred dollars.

COMPENSATION. § 20. Said commissioner of health shall receive as compensation for all services rendered by him the sum of twenty-five dollars per month, payable quarterly.

PRESENT COMMISSIONER OF HEALTH TO CONTINUE IN OFFICE. § 21. Nothing herein contained shall be so construed as to prevent the present commissioner of health from holding his office until the

expiration of his term in May, 1893, but such commissioner shall hold his said office during such term, and shall exercise all the powers conferred upon him by this ordinance, and shall perform all the duties imposed upon him herein, to the same extent and in the same manner as if his appointment had been made subsequent to the passage of this ordinance.

## • CHAPTER XVIII.

### ITINERANT MERCHANTS.

#### SECTION.

1. Prohibits itinerant merchants to sell without license—penalty.
2. Defines itinerant merchant.
3. License—rate of—bond.
4. Posting license.
5. Oath required.
6. Rebate on license—when allowed.
7. Exception may be made, etc.
8. Penalty.

PROHIBITS ITINERANT MERCHANTS TO SELL WITHOUT LICENSE—PENALTY. § 1. No person or persons, or corporation organized under the laws of the State of Illinois or of any other state, shall carry on or conduct the business of selling second-hand goods, as an itinerant merchant, as hereinafter defined, within the city of Danville, without having first obtained a license so to do, under a penalty of not less than twenty-five dollars, nor more than one hundred dollars, for each day such business is carried on. Any person who shall carry on such business, or aid or assist in carrying on such business as the clerk, agent, servant, factor or attorney in fact of another person or corporation, shall be held and deemed a principal in carrying on such business.

DEFINES ITINERANT MERCHANT. § 2. Any person who, by himself or by his clerks, agents or employees, shall advertise or sell or expose for sale, or permit to be advertised or sold or exposed for sale any second-hand goods or any goods, wares or merchandise by him owned or entrusted to his custody for the purpose of sale, which may have been damaged by fire or water, or are claimed, advertised or represented to have been damaged by fire or water, whether so actually damaged or not, in any other place than in the city of Danville, or which have been or are represented, advertised or

claimed to have been in the stock of goods of some person not in the city of Danville, who has failed in business or become insolvent or made an assignment or become bankrupt in any other place than the city of Danville, or any person or persons or corporation who shall advertise or cause to be advertised in any public or private newspaper or by handbills, dodgers, posters, banners, stationary or movable sign, or in any other manner whatever, that second-hand goods, wares or merchandise, or goods, wares or merchandise of any kind whatever, damaged by fire or water, or purporting or claimed to be damaged by fire or water, in any other place than the city of Danville, or which have been or purport or claim to have been in the stock of goods of some person who has failed in business or become insolvent or made an assignment or become bankrupt, in any other place than the city of Danville, are exposed for sale or are about to be exposed for sale in any place within the city of Danville, is hereby defined and declared to be an itinerant merchant or person carrying on or conducting the business of selling second-hand goods or conducting a second-hand store as an itinerant merchant.

**LICENSE—RATE OF—BOND.** § 3. The city council may, in its discretion, grant a license to any person, persons, or corporation to carry on the business of an itinerant merchant, at the following rates for such license for one year, to-wit:

For carrying on or keeping a junk shop where odds and ends are bought and sold, twenty-five dollars.

For selling dry goods, clothing, men's furnishing goods, boots and shoes, hats and caps, or other articles of wearing apparel, five hundred dollars.

For selling hardware, groceries or drugs, two hundred and fifty dollars.

For selling books, stationery, jewelry, bric-a-brac, holiday goods, wall-paper, paints, artists' materials, furniture and household goods, millinery goods, harness or saddlery goods, three hundred dollars.

And no license shall be granted under the provisions of this ordinance for a less term than one year, at any time, and the person so applying shall pay to the clerk the sum of money herein named for such license for one year, and shall execute a bond to the city of Danville, in the sum of one thousand dollars, with two or more resident freeholders as security, conditioned that the said applicant will in every particular conform to the requirements of this ordinance, and with the requirements or provisions of any ordinance heretofore or hereafter to be passed concerning the carrying on of second-hand stores. And thereupon, if such license shall be ordered to be issued by the city council by a vote of a majority of the aldemmen



at any regular meeting, such license shall be issued by the city clerk and signed by the mayor and city clerk.

**POSTING LICENSE.** § 4. The person or persons receiving such license shall keep the same posted in a conspicuous place in his or their place of business, and the city clerk shall keep a record of all licenses granted under this ordinance, in which he shall record the name of the person licensed, the time of issuing the same and the place of business of the person so licensed.

**OATH REQUIRED.** § 5. The person, persons or corporation applying for said license shall, before the same shall be granted, take and subscribe an oath or affirmation that it is his *bona fide* intention to continue in business in said city of Danville for at least the space of one year, and that he in good faith intends to pay said license fee absolutely and unconditionally, and that he has no intention to and will not at any future time, by any suit, action or device, try to recover back the said license fee from said city, or any part thereof, except in the manner hereinafter provided.

**REBATE ON LICENSE—WHEN ALLOWED.** § 6. If the person, persons or corporation receiving such license shall cease to carry on the business for which such license has been issued before the expiration of a year for which he has received license as herein provided, he or they may apply to the city council for a repayment of a sum of money proportionate to the unexpired term of such license, and the city council may, if satisfied that the person so applying received such license in good faith for the purpose of carrying on such business, order to be repaid such sum of money as shall be a just proportion for the unexpired time for the license: *Provided*, If such license was issued for selling dry goods, clothing, men's furnishing goods, boots and shoes, or other articles of wearing apparel, the city council shall not refund more than two hundred and fifty dollars where such license has not been issued for more than thirty days, nor more than two hundred dollars when such license has not been issued for more than sixty days, nor more than one hundred and fifty dollars where such license has not been issued for more than one hundred and twenty days.

**EXCEPTION MAY BE MADE, ETC.** § 7. The city council may, in its discretion, by resolution, exempt any person having been a *bona fide* resident and taxpayer of the city of Danville for the period of one year from the provisions and requirements of this ordinance, or may order a license to be issued to any such person at a lower rate than is herein specified.



PENALTY. § 8. Any person, persons or corporation violating any of the provisions of this ordinance, excepting where otherwise specially provided, shall, on conviction, be fined in any sum not less than twenty-five dollars, nor more than two hundred dollars for each offense, and in addition thereto, in case license has been granted to such person, the same shall thereby be revoked.

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## CHAPTER XIX.

### JUNK DEALERS.

#### SECTION.

1. Junk dealer defined.
2. Penalty for dealing in junk without license.
3. Terms upon which license shall be granted.
4. Expiration of license.
5. Junk dealer's record.
6. Inspection—penalty for refusing or evading.
7. Purchase from minors forbidden.
8. Time goods purchased are to be kept.
9. Railroad brass and iron—possession of prima facie evidence.
10. Agents of junk dealer liable, etc.
11. Violations of chapter to cause forfeiture of license.

JUNK DEALER DEFINED. § 1. Whoever shall deal in, purchase, buy or barter for old iron, copper, brass or other metal, rags, old rope, old canvas, or such material as is usually denominated or known as junk, are hereby declared to be junk dealers within the meaning of this ordinance.

PENALTY FOR DEALING IN JUNK WITHOUT LICENSE. § 2. Whoever shall carry on or conduct the business of a junk dealer within the city of Danville, without having first obtained a license so to do, in accordance with the provisions of this chapter, shall be fined not less than one hundred dollars for each and every offense.

TERMS UPON WHICH LICENSE SHALL BE GRANTED. § 3. The mayor is hereby authorized to grant a license to junk dealers, at his discretion, on the following conditions:—

*First.* The person so applying for such license shall be, to the satisfaction of the mayor, a person of good moral character, and such applicant shall pay as a license fee the sum of fifty dollars per year, payable in quarterly installments in advance.

*Second.* The applicant shall execute a bond to the city of Danville, with one or more sureties to be approved by the mayor, in the penal sum of one thousand dollars, conditioned that the said applicant shall in every particular conform to the requirements or provisions of all existing ordinances of said city, and such ordinances as may hereafter be passed, concerning junk dealers; and thereupon the city clerk shall issue to such applicant a license as junk dealer, under the corporate seal of the city, signed by the mayor and countersigned by the clerk.

**EXPIRATION OF LICENSE.** § 4. Every license issued under this chapter shall expire at the end of the municipal year in which it is granted, subject, however, to the right of the mayor to revoke such license at any time, in his discretion, for cause which may appear to him sufficient.

**JUNK DEALER'S RECORD TO BE KEPT.** § 5. Every person licensed as aforesaid shall keep at his place of business a substantial and well bound book, in which he shall enter a description of all personal property purchased by him, with the date of purchase, the name and residence or place of business of the person from whom such purchase was made, also entering any prominent or descriptive marks that may be on such property. Said book shall be kept clean and legible, and all the entries made therein shall be in ink, and no entry therein shall be afterward erased, obliterated or defaced. Any person licensed under this chapter, as aforesaid, who shall neglect or refuse to comply with any of the provisions of this section, shall be fined not less than five dollars, nor more than one hundred dollars for each and every offense.

**INSPECTION.** § 6. Every person so licensed as aforesaid shall, during ordinary business hours, when requested by the mayor, marshal or any policeman, submit and exhibit said book provided for in section 5 of this chapter, to the inspection of either of the above named officers. And every such person licensed as aforesaid shall also allow the mayor, city marshal or any policeman of said city to enter the place of business of such person during business hours and examine and inspect the stock in trade belonging to such person, and make such examination of his premises as such officer may desire in the discharge of his official business. Any person who shall refuse to permit such officer to make such inspection, or shall hinder, delay or obstruct him in making the same, or shall refuse to show such officer any property, article or thing in the custody or possession of such junk dealer, when requested so to do by such officer, shall, in either case, be fined not less than ten dollars, nor more than one hundred dollars for each offense.

PURCHASING FROM MINORS FORBIDDEN. § 7. No keeper of a junk shop shall purchase any goods, article or thing whatsoever, except old rags, old rubber boots or shoes and waste paper, from any minor under the age of eighteen years, without the written consent of the parent or guardian of such minor, specifying the article permitted to be sold, under a penalty of not less than five, nor more than fifty dollars for each offense.

TIME GOODS ARE TO BE KEPT. § 8. Every junk dealer shall keep in his possession, without changing the form or character thereof, each article of property received by him in the course of his business as such junk dealer, for the full period of three days, under a penalty of ten dollars for each offense.

RAILROAD BRASS AND IRON, ETC. § 9. No junk dealer shall purchase or receive any car-truck brass of any kind, or railroad iron of any description, from any person, except from railroad corporations or their agents duly authorized to sell the same, under a penalty of not less than ten dollars, nor more than one hundred dollars for each offense. The fact that any railroad brass or railroad iron is found in the possession of or in the place of business of any junk dealer shall be considered *prima facie* evidence of a violation of this section, and, unless such possession is shown to have been acquired lawfully, shall subject such dealer to the aforesaid penalty, and be sufficient cause for the immediate forfeiture of his license.

AGENTS OR EMPLOYEES OF JUNK DEALERS. § 10. Any agent, clerk or employee of any licensed junk dealer, who shall violate any of the provisions of this chapter, shall be subject to the same penalties herein prescribed for such violation when done by a licensed junk dealer.

VIOLATIONS OF THIS CHAPTER TO CAUSE FORFEITURE OF LICENSE. § 11. Any violation of any of the provisions of this chapter by any junk dealer, or by his clerk, agent or employee, shall be sufficient cause for the revocation of the license of such junk dealer, in the discretion of the mayor.

## CHAPTER XX.

## LICENSE.

## SECTION.

1. Mayor to receive application.
2. Application—how made.
3. Terms of license—how signed.
4. Subject to ordinances—may be revoked, etc.
5. Not assignable without consent, etc.
6. Clerk to keep register.
7. Form of license.
8. Duty of marshal.

**MAYOR TO RECEIVE APPLICATION.** § 1. The mayor shall receive applications for license and grant the same in all cases where it is not otherwise expressly provided, upon the terms and conditions specified by ordinance. But if he shall not feel authorized to grant any application for a license for any purpose, he may report such application to the next meeting of the city council for their action thereon.

**APPLICATIONS—HOW MADE.** § 2. Any person desiring a license under the ordinances of the city for any purpose shall make a written application to the mayor therefor, stating the purpose for which the same is desired, for what length of time, and specify the place where his business is to be carried on, and, if required by ordinance, to file bond before being licensed. He shall also name his proposed sureties on his bond in his application. If the mayor shall grant such application, he shall indorse the same thereon, together with the amount taxed for the license, and upon the filing of the application, so indorsed, with the city clerk, and the payment of the amount specified, the city clerk shall issue to such applicant a license for the purpose and time specified.

**TERM OF LICENSE—HOW SIGNED, ETC.** § 3. No license shall be granted for a longer period than the municipal year, and all licenses shall be signed by the mayor and countersigned by the city clerk, under the corporate seal. No license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed licensed until a license shall be duly issued to him. Each license shall be dated the day of the issuing thereof, but if the applicant has been acting without a license, then it shall be dated from the time he commenced acting.

**LICENSE SUBJECT TO ORDINANCES—REVOCATION.** § 4. All licenses granted shall be subject to all ordinances relating to license

which may be in force at the time of the issuing thereof, or which may be subsequently adopted by the city council; or, if any person licensed shall violate any provision of any ordinance in relation to his license, he may be proceeded against for any fine or penalty imposed thereby, and his license may be revoked or forfeited, in the discretion of the city council, or of the court or magistrate before whom any action may be brought for the recovery of any fine or penalty.

**LICENSES NOT ASSIGNABLE.** § 5. No license granted shall be assignable or transferable, nor shall any person be authorized to do business or act under such license but the person to whom it is granted, or in any other place than the place specified therein, without the consent of the city council, to be certified on such license by the city clerk, nor shall any license authorize any person to act under it at more than one place at the same time, nor at any other time than is therein specified. Whoever shall violate any of the provisions of this section shall be deemed to be acting without license, and shall be subject to the same penalty as is prescribed for acting without license.

**REGISTER OF LICENSE.** § 6. The city clerk shall keep a license register, in which he shall enter the name of each person licensed, for what purpose licensed, the place of business, the date of the license, the amount paid, and the date of the expiration of the same. He shall pay into the city treasury, on the first Monday of each month, all money received by him on account of licenses. He may charge and receive a fee of fifty cents for each license issued by him where the fee charged is ten dollars or less, and one dollar and fifty cents where the fee charged is more than ten dollars, and a fee of fifty cents for certifying the consent of the city council to the assignment or transfer of any license or change of place of business specified in such license.

**FORM OF LICENSE.** § 7. Licenses may issue, as near as may be, in the following form, to-wit:

A. B. .... of the city of Danville, to all whom these presents may come, greeting:

Know ye that C. D. having made application in due form, filed bond and paid into the city treasury.....dollars, and in all other respects complied with the ordinance of the city in this behalf: Therefore I, A. B., mayor of the city of Danville, for and in behalf of said city, do hereby authorize, empower and license the said C. D. (here set forth the business or purpose of the license), at..... for.....from..... Nevertheless, this license is granted upon this express condition: That if the said C. D. shall observe and obey all ordinances of the city which are or may be in force regulating or relating to said business, then this license shall

be valid for the said period ; otherwise it may be annulled, revoked or forfeited, at the option of the city council, or in any other manner provided by ordinance.

In testimony whereof I have hereunto set my hand and caused the corporate seal of said city to be affixed, at the city of Danville, this..... day of..... A. D. 18.....

[SEAL.]

A. B., Mayor.

Countersigned and registered :

E. F., City Clerk.

**DUTY OF MARSHAL.** § 8. The city marshal shall enforce all ordinances in relation to licenses, and shall from time to time examine the license register, and prosecute all persons who may be acting without license.

## CHAPTER XXI.

### LIQUORS.

#### SECTION.

1. Liquors—license required.
2. Committee on license—duties.
3. Mayor to grant—application to be in writing--not to be granted to minor or non-resident.
4. Bonds required.
5. Application to state time, place, and names of sureties.
6. Application for license to be presented to mayor--persons disqualified--term of license.
7. License--when granted.
8. Person refused license not to be interested in dramshop.
9. License to be granted only to party making application.
10. Dramshop to be closed on Sunday--penalty.
11. Marshal and police to enforce ordinances.
12. Lewd women not permitted in dramshop--penalty.
13. License may be revoked--when.
14. Dramshop open--when.
15. Keeper of dramshop to keep orderly house--penalty.
16. Drunkenness and gaming forbidden--penalty.
17. Officers to report convictions--penalty.
18. License not to be granted when fines are unpaid.
19. Minors not to be employed nor permitted to frequent dramshops--penalty.
20. Minors forbidden in saloons, etc.
21. Liquor not to be sold to habitual drunkard.
22. License not to be assigned--one place of business.
23. License to be posted.
24. Use of slides, dumb waiters, etc., forbidden--penalties.
25. Shifts or devices forbidden.
26. Windows kept so interior may be seen.

**LIQUORS—LICENSE REQUIRED.** § 1. No person shall, within the city, by himself, his servant or clerk, directly or indirectly, sell,

barter, exchange or deliver or otherwise dispose of any intoxicating, malt, vinous, mixed or fermented liquors, in a less quantity than one gallon, to be carried away at one time from the place of sale or delivery, or in any quantity whatever to be drank upon the premises, or in, or upon any adjacent room, building, yard or premises, or place of public resort, without a license therefor in accordance with the requirements hereof, under a penalty of not less than twenty dollars, and not exceeding one hundred dollars for each offense.

COMMITTEE ON LICENSE—DUTIES. § 2. The mayor shall appoint, at the beginning of each fiscal year, or as soon thereafter as may be, a standing committee, known as the committee on dramshop license, to which committee shall be referred all applications, together with the bonds, for dramshops. It shall be the duty of said committee to examine the same with reference to their legal sufficiency and the sufficiency of the sureties upon the said bonds, and particularly in regard to the qualifications of the several applicants, as prescribed by the ordinances, and especially in regard to the fitness of the person for the business sought to be carried on by him, and the fitness and propriety of the place at which he seeks to carry on such business. The said committee shall make report of their action without unnecessary delay, and shall endorse upon each application, if favorable: "We recommend that license be granted;" otherwise, "We recommend that license be not granted." Said committee may be granted further time to make report upon any and all applications.

MAYOR AND COUNCIL TO GRANT LICENSE—RATE OF LICENSE. § 3. The mayor, by and with the consent of the city council, may grant license to such person or persons as may apply therefor to him in writing, to retail intoxicating, malt, vinous, mixed or fermented liquor, in any quantity less than one gallon, upon such person or persons paying into the city treasury a sum at the rate of eight hundred dollars per annum, payable quarterly in advance, and entering into bonds in the manner required in the fourth section hereof: *Provided*, That no license shall be granted under the provisions of this ordinance to any minor or non-resident of the city, nor to any person or persons who keep or operate a restaurant or eating room in connection with their place of business, nor to any person or persons whose place of business where said liquors are to be retailed has any door or openings connecting it with any restaurant or eating room. In case any person or persons, after having been granted a license in accordance with the provisions of this chapter of this ordinance, shall keep, have, or operate a restaurant or eating



room in connection therewith, or shall connect his place of business by any door or opening with any restaurant or eating room, the mayor shall immediately revoke said license so granted to such person or persons.

**BOND TO PEOPLE AND CITY REQUIRED.** § 4. Before a license shall be granted to keep a dramshop for the sale of intoxicating, malt, vinous, mixed or fermented liquors under the provisions hereof, the person or persons applying for such license shall execute a bond in the penal sum of three thousand dollars, payable to the People of the State of Illinois, with at least two good and sufficient sureties, freeholders in the county in which the license is to be granted, to be approved by the mayor and council, conditioned that the person to whom such license is granted shall pay to all persons all damages that they may sustain, either in person or property or means of support, by reason of the person so obtaining a license selling or giving away intoxicating liquors, as required by law. And such persons shall also execute a bond to the city of Danville, in the sum of one thousand dollars liquidated damages, signed by at least two freeholders of the city, each to the value, over and above their homestead exemption, of at least the penalty of the bond as sureties, to be approved by the city council, and conditioned that the person to whom such license is granted shall observe and obey all laws and ordinances now in force, or such as may hereafter be in force, regulating and governing keepers of dramshops. And any breach of its conditions shall work a forfeiture of the whole penalty thereof, the amount of which shall be recovered before any court having jurisdiction. Any person offered as security upon the first of the herein named bonds, payable to the People of the State of Illinois, may be required by the mayor to appear in person before him, and he may examine him under oath, and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security.

**APPLICATION FOR LICENSE.** § 5. Any person desiring a license under the ordinances of the city to keep a dramshop for selling at retail intoxicating, malt, vinous, mixed or fermented liquors, in less quantities than one gallon, shall make a written application to the mayor, stating the length of time for which he desires such license, the place where his business is to be carried on, and the names of the persons who will become his sureties on the bond required by ordinance.

**APPLICATIONS TO BE PRESENTED TO THE COUNCIL—PERSONS DISQUALIFIED.** § 6. When application is made for a license to keep

a dramshop as aforesaid, it shall be the duty of the mayor to receive and present the same at the next meeting of the city council, and the city council may grant the same upon the terms and conditions specified by ordinance, unless the applicant or one or more of the applicants shall be a minor or non-resident of the city, or shall have been convicted of some crime which by the laws of this state would render him, her or them infamous, or shall have been twice convicted of violating the ordinance of said city concerning, regulating or governing keepers of dramshops or retailers of liquors, or unless such applicant or applicants or some one or more of them shall have failed or refused, after having been once convicted of any violation, to pay the fine or penalty, or the cost of some part thereof assessed therefor. If the application be granted, the mayor shall endorse the grant thereof on such application, together with the amount taxed for such license: *Provided*, No license shall be granted for a shorter time than three months, and payment for all licenses shall be made in advance.

CLERK TO ISSUE LICENSE. § 7. Upon the filing of the application so endorsed as aforesaid in the city clerk's office, together with the bond aforesaid, conditioned as aforesaid, with such securities and approved as aforesaid, and the approval thereof endorsed thereon, and paying to the city clerk the amount required for such license, a license to retail intoxicating, malt, vinous, mixed or fermented liquors in any quantity less than one gallon, at the place named in the application, shall be issued to such applicant, in the general form and manner prescribed by the ordinance of said city for other license.

PERSON REFUSED A LICENSE NOT TO BE INTERESTED IN DRAMSHOP—PENALTY. § 8. No one who shall be refused license shall become or be directly or indirectly interested as clerk, agent, servant or otherwise in the operation of any dramshop within the city for the term of three months after such refusal. The committee on dramshop licenses, before making report upon any application, may require the applicant to furnish an affidavit that no one to whom license has been refused is directly or indirectly interested in any manner in the procuring of the license applied for or in the business for which such license is applied for as agent, servant or otherwise.

LICENSE ONLY GRANTED TO PARTY MAKING APPLICATION. § 9. Whenever any person shall make application to the mayor for a license to keep a dramshop for retailing intoxicating, malt, vinous, mixed or fermented liquors, and the mayor shall be satisfied that the application is made for the benefit of any other person, who is not entitled to a license under the provisions of this ordinance, or

that any such person not entitled to a license is to be in any manner interested in the business to be carried on under such license, or in any manner employed therein, or if he shall be satisfied that such application is made for the purpose of avoiding the eighteenth section of this ordinance, he shall refuse to grant such license, and if any person shall make such application for the benefit of any other person not entitled to such license under the provisions hereof, or if any person not entitled to such license shall be in any manner interested in the business to be carried on under such license, or shall be employed as an agent, clerk or servant in such business, then any license which may be granted on such application shall be absolutely null and void.

**SELLING ON SUNDAY FORBIDDEN.** § 10. No keeper of a dramshop, licensed under the provisions hereof to retail intoxicating, malt, vinous, mixed or fermented liquors, shall, on Sundays, keep open or suffer or permit to be kept open any part of his place of business, nor shall, on Sundays, in any manner sell or deliver any intoxicating, malt, vinous, mixed or fermented liquors, or suffer or permit any such liquor to be used or drank on his place of business, or in any place adjacent thereto under his control, under a penalty of not less than fifty dollars, nor more than two hundred dollars for each offense.

**DUTY OF POLICE OFFICERS.** § 11. The city marshal and policemen shall see that the provisions hereof are strictly observed and enforced, and shall prosecute all violations of the same, and any person may make complaint of any violation before the police magistrate and have the offender prosecuted as in other cases, and it shall be the duty of the city marshal and all policemen to arrest or cause to be arrested and prosecuted without delay all persons who may be found intoxicated or riotous in any public place.

**LEWD WOMEN NOT PERMITTED IN DRAMSHOP—PENALTY.** § 12. No keeper of a dramshop within this city shall permit or allow any prostitute or lewd woman or women of ill report, to frequent, loiter in, or purchase or drink liquor of any kind in his dram shop or in any place adjacent thereto under his control. Any such woman who shall when requested not to enter any such dram shop, by any person in charge of the same, persist in entering such dram shop, shall be fined not less than three dollars nor more than one hundred dollars, and any keeper of a dram shop who shall knowingly violate the provisions of this section shall be fined in any sum not less than three dollars nor more than one hundred dollars.

**LICENSE MAY BE REVOKED—WHEN.** § 13. Any keeper of a dram shop licensed under the ordinances of this city, who shall permit lewd women, prostitutes, vagrants, mendicants, common drunkards or minors to loiter about or to remain in his said dram shop or in any place connected therewith or under his control; or if any such dram shop keeper shall violate any of the provisions of the ordinances of this city for the government or regulation of dram shops, his license may be revoked by the city council for any of the causes aforesaid. And it shall not in any case be necessary that he shall have been first prosecuted or convicted therefor before such revocation: *Provided*, however, that before the council shall take action upon such revocation, such keeper shall have at least five days' notice of the time at which said action shall be taken, at which time he may appear before the committee appointed by the council and show cause why his license should not be revoked. *And, provided, further*, that in case of such revocation, such keeper shall be repaid the license money, if any, advanced on the unexpired term of his license.

**DRAM SHOP OPEN, AT WHAT HOURS.** § 14. No keeper of a dram shop shall keep open or suffer to be kept open his place of business, or sell any liquor therein, or therefrom, or suffer any person not belonging thereto or connected therewith, to remain in any part thereof, before the hour of five o'clock in the morning, or after the hour of eleven o'clock sharp in the evening of each day. Any person violating this section or any part thereof, shall be fined not less than five dollars, nor more than one hundred dollars for each offense.

**KEEPER OF DRAM SHOP TO KEEP ORDERLY HOUSE—PENALTY.** § 15. No keeper of a dram shop licensed under the provisions hereof to retail intoxicating, malt, vinous, mixed or fermented liquors, shall suffer any violent, tumultuous, offensive or disorderly conduct, or obscene, profane or unseemly language, quarreling, fighting or other disturbance in or about his place of business, or in any place adjacent thereto under his control, to the annoyance, disturbance or vexation of others, under a penalty of not less than five dollars, nor more than one hundred dollars for each violation.

**DRINKING TO EXCESS—GAMING FORBIDDEN.** § 16. No keeper of a dram shop, licensed under the provisions hereof to retail intoxicating, malt, vinous, mixed or fermented liquors as aforesaid, shall, by himself, his clerk or his servant, suffer or permit any person to drink to excess on his premises, nor shall suffer or permit any species of gaming in any part thereof, or in any place adjacent

thereto under his control, under a penalty of not less than ten dollars, and not exceeding two hundred dollars for each offense.

**DUTY OF OFFICERS TO REPORT CONVICTIONS TO MAYOR.** § 17. Whenever any person or persons licensed under this or any other ordinance of said city to keep a dram shop as aforesaid, shall be by any court of competent jurisdiction adjudged to pay any fine, cost or penalty for violating the ordinance of said city, regulating, governing or concerning the keepers of dram shops, it shall be the duty of the city attorney, city marshal, policeman or other officers of the city making complaint in or prosecuting the same, wherein such judgment was rendered, and each and all such officers immediately to report such judgment to the mayor; and if any such officers shall fail or refuse to make such report within two days after the rendition of such judgment, he shall be subject to a penalty of not less than ten dollars, nor more than one hundred dollars.

**LICENSE NOT TO BE GRANTED WHEN.** § 18. Whenever any person licensed to keep a dram shop, as aforesaid, shall be convicted of violating any ordinance of the city concerning, regulating or governing keepers of dram shops or retailers of liquors, it shall be the duty of the mayor and council to refuse to grant such person any other or further license to retail intoxicating, malt, vinous, mixed or fermented liquors in the city, until the fine or penalty adjudged against such person for such violation shall have been fully paid and satisfied, together with all costs therein, or the case wherein such fine or penalty was adjudged shall have been duly appealed. And whenever any person licensed to retail intoxicating, malt, vinous, mixed or fermented liquors, as aforesaid, shall have been twice convicted before any court of competent jurisdiction of violating any such ordinance of the city, it shall be in the discretion of the mayor to refuse such person so convicted, any other or further license to keep a dram shop in said city, and whenever any person so licensed as aforesaid, shall have been three times convicted before any such court for violating any such ordinance, it shall be the duty of the mayor forever thereafter to refuse to grant such person so convicted any license to sell intoxicating, malt, vinous, mixed or fermented liquors in said city: *Provided*, however, that if any of the cases wherein the person licensed as aforesaid shall have been convicted as aforesaid shall be appealed, and upon the hearing of such cause on appeal such person shall be found not guilty of the violation or violations for which he was convicted in the court below, or if the

fine or penalty adjudged for such violation whereof he may be convicted shall be remitted by the city council, then such conviction shall not be considered from and after the reversal thereof, or the remission of the fine or penalty assessed therefor, as a conviction within the meaning of this section so as to bar such person of his right to such license.

EMPLOYMENT OF MINORS—LIQUORS TO INTOXICATED PERSONS FORBIDDEN. § 19. No keeper of a dram shop licensed under the provision hereof to sell intoxicating, malt, vinous, mixed or fermented liquors, shall employ any minor as a servant or clerk in his business, nor shall sell, give or deliver any intoxicating, malt, vinous, mixed or fermented liquors to any minor or intoxicated person, nor shall harbor or entice, or suffer any intoxicated person or minor to remain or loiter in or about his place of business, under a penalty of not less than ten dollars, nor more than one hundred dollars for each offense.

MINOR FORBIDDEN IN SALOONS, ETC. § 20. Any minor who shall loiter, or idle in any saloon, or place where any intoxicating liquors are sold, or shall play at any game, or drink any intoxicating liquor therein, shall for either offense be fined not less than three dollars nor more than twenty-five dollars.

SELLING TO HABITUAL DRUNKARDS FORBIDDEN. § 21. No keeper of a dramshop licensed under the provisions hereof, nor any other person, shall sell, give or deliver any intoxicating, malt, vinous, mixed or fermented liquors to any habitual drunkard, or any habitually intoxicated person, after having been notified by the parents or other relative of such person that he is an habitual drunkard or habitually intoxicated person, and requesting such retailer or other person not to sell, give or deliver him any such liquors, under a penalty of not less than twenty dollars, nor more than one hundred dollars for each offense.

LICENSE NOT TRANSFERABLE. § 22. No license granted under the charter or any ordinance of the city for the sale of intoxicating, malt, vinous, mixed or fermented liquors shall be assignable or transferable, nor shall any person be authorized to do business or to act under such license but the person to whom it is granted, or at any other place than the place specified therein, without the consent of the mayor or mayor *pro tem*, with the approval of the city council, to be certified on such license under his hand and the seal of the city, and countersigned by the city clerk; nor shall any such



license authorize any such person to act under it at more than one place at the same time, nor at any other time than therein specified. Whoever shall violate the provisions of this section shall be deemed as acting without a license and be subject to the same penalty as is prescribed for acting without a license.

**LICENSE AND ORDINANCE TO BE POSTED.** § 23. Every keeper of a dram shop licensed under the provision of the second, third and fourth sections hereof, shall keep his license posted up in some conspicuous place in his place of business.

**USE OF SLIDES, DUMB WAITERS, ETC., FORBIDDEN—PENALTIES.** § 24. It shall be unlawful for the owner or lessee of any premises occupied or used for the purpose of a saloon or dram shop, or for any person having a license to sell liquors at retail, or to keep a saloon or dram shop under the ordinances of the city, to construct, erect, keep or maintain any slide, elevator, dumb waiter or other instrument or device in any such room used or occupied for the sale of liquors which shall run to or connect or communicate with any room or place above, beneath or adjoining to such dram shop or licensed saloon; and it shall also be unlawful for any person having such license to sell liquors at retail either by himself or his clerk or servant, to use any such slide, elevator or dumb waiter or other device for sending or to send any intoxicating liquors or beer from such saloon or dram shop to any room or place above, below or adjoining the same. Any such slides, elevators or dumb waiters which may now exist in any saloon or dram shop in this city shall be removed, taken out or destroyed immediately. Any person who shall construct, erect, keep or maintain, or shall use any such slide, elevator or dumb waiter in violation hereof, shall be fined not less than ten dollars nor more than one hundred dollars for erecting or constructing the same and a like sum for each day he shall keep or maintain the same in any such saloon or dram shop whether erected before or since the passage of this ordinance and in a like sum for each time the same shall be used for the purposes aforesaid.

**SHIFTS OR DEVICES FORBIDDEN.** § 25. The giving away of intoxicating, malt, vinous, mixed or fermented liquors or other device, or shift to evade the provisions or requirements of this chapter of this ordinance are hereby declared to be within the meaning and intent and shall be deemed violations hereof.

**WINDOWS KEPT SO INTERIOR OF DRAM SHOP MAY BE SEEN.** § 26. Every keeper of a dram shop shall, during the times when by



law or the ordinances of the city his place of business is required to be kept closed, so arrange his windows and screens as to enable persons on the street to have a sufficient view of the interior of such dram shop, to enable them to determine whether such place is being kept closed. Any keeper of such dram shop failing to comply with the provisions of this section shall be fined not less than three dollars nor more than one hundred dollars.

## CHAPTER XXII.

### MILKMEN.

#### SECTION.

1. Milkmen to be licensed.
2. License fee.
3. Name on wagon.
4. Drivers or employees of unlicensed wagons.
5. Adulterated milk.

**MILKMEN TO BE LICENSED.** § 1. No person shall, by himself or agent, carry on the business of selling or delivering milk to customers in the city, by means of a wagon, cart or other vehicle, without being licensed so to do, as hereinafter provided, under a penalty of not less than five dollars, nor more than one hundred dollars for each offense.

**AMOUNT OF LICENSE.** § 2. Every person desiring a license as a milkman shall pay for the same at the following rates:

Where a person sells or delivers milk with only one wagon or other vehicle the license fee shall be five dollars per year, and five dollars for each additional wagon or other vehicle used in such business.

**NAME ON WAGON.** § 3. Every person licensed to sell milk shall cause his name to be legibly painted or placed on each wagon or other vehicle used by him in said business. Any person violating this section shall be fined not less than one dollar, nor more than ten dollars for each day he shall neglect or refuse to place his name on such wagon or other vehicle, after being requested so to do by any police officer.

**DRIVERS OR EMPLOYEES OF UNLICENSED WAGONS.** § 4. Whoever, as driver, agent or employee of the owner of any such wagon

or other vehicle used in the sale or delivery of milk as aforesaid, or as the employee or agent of the owner of the milk so sold or delivered, shall drive any such wagon or other vehicle, or shall sell or deliver milk as aforesaid, without his employer having a license as required by this chapter, shall be fined not less than three dollars, nor more than fifty dollars for each offense.

ADULTERATED MILK. § 5. Whoever shall sell or offer for sale any milk adulterated with water, or with any other liquid or substance, or any milk produced from any sick or diseased cow, shall, for each offense, be fined not less than ten dollars, nor more than one hundred dollars. And any police officer is hereby authorized and empowered to seize and destroy any such milk sold or offered for sale.

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## CHAPTER XXIII.

### MISDEMEANORS.

#### SECTION.

1. Unlawful assemblies.
2. Assaults—fighting—affrays.
3. Disorderly conduct.
4. Permitting unlawful assemblies.
5. Disturbing peace of city or family.
6. Disturbing congregations.
7. False alarms of fire—cry for assistance.
8. Drunkenness.
9. Indecent exposure.
10. Obscene books, pictures, etc.
11. Having obscene books, etc., in possession.
12. Obscene writing or figure.
13. Indecent exhibition of animals.
14. Gambling.
15. Inmates of gambling houses.
16. Gaming houses.
17. Leasing premises for gaming.
18. Duty of police force.
19. Police to destroy gaming implements.
20. Lotteries prohibited.
21. Houses of ill-fame.
22. Inmates of houses of ill-fame.
23. Concealed weapons.
24. Disorderly house.
25. Disturbing funeral.
26. Places of amusement on Sunday.
27. Amusements on Sunday.
28. Places of business open on Sunday.

29. Cruelty to animals.
30. Fast driving, drunken drivers, etc.
31. Leaving animals unfastened.
32. Scaring horses, etc.
33. Vehicles to pass to the right.
34. Weighing gunpowder—kerosene.
35. Sale of poison.
36. Burglar tools.
37. Orange peel, banānnas, etc.
38. Firing cannon, guns, etc.
39. Boys making disturbance, etc.
40. Dangerous sports, kite flying, etc.
41. Throwing stones—slings, etc.
42. Climbing on bridges, fences, trees, etc.
43. Injury to pavements, etc.
44. Injury to bridges, buildings, malicious mischief, etc.
45. Injury to street lamps, telegraph or telephone poles.
46. Lighting or extinguishment of street lamps.
47. Climbing on lamp posts—hitching thereto.
48. Hitching horses to trees, fences, etc.
49. Trespassing, carrying away fruit, etc.
50. Trespassing upon private premises.
51. Posting bills, etc.
52. Injuring gas boxes or water pipes.
53. Ball playing upon streets.
54. Signs indicating sale of liquors.
55. Drinking in public.
56. Vehicles standing on streets.
57. Meddling with fire hydrants.
58. Vagrants.
59. Fast driving over bridges.
60. Idling about depots.
61. Minors to keep off cars.
62. Throwing stones at street cars.
63. Minors climbing on street cars.
64. Entering street cars, refusing fare, etc.
65. Disorderly conduct on street cars.
66. Obstructions to operation of street cars.
67. Bill boards, etc.—when a nuisance.
68. Attempt to commit offense.
69. Accessories.
70. Prostitutes loitering on streets, etc.
71. Ringing of school bells—penalty.
72. Prohibits boys from loitering, etc., about churches, etc.
73. Driving unaltered horses or mules through the streets.

UNLAWFUL ASSEMBLY. § 1. Any two or more persons who shall assemble for the purpose of disturbing the peace, or of committing any unlawful act, and who shall not disperse when commanded or requested by any peace officer, shall, each and severally, be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

ASSAULTS—FIGHTING—AFFRAYS. § 2. Whoever shall assault, strike or fight another, or attempt or offer to do so, or shall threaten

or traduce another, or shall challenge another to fight, or shall agree to fight another, or shall by agreement actually fight another, or shall be guilty of an affray, within the limits of said city, shall be fined not less than three dollars, nor more than two hundred dollars.

**DISORDERLY CONDUCT.** § 3. Whoever shall disturb the peace, or shall be guilty of any violent, tumultuous, offensive or disorderly conduct, or shall use obscene, offensive, profane or unseemly language, to the annoyance, disturbance or vexation of another, or shall be guilty of any conduct calculated to provoke a breach of the peace, shall be fined not less than three dollars, nor more than one hundred dollars.

**PERMITTING UNLAWFUL ASSEMBLAGE.** § 4. Whoever shall knowingly suffer or permit any assemblage for the purpose of disturbing the peace, or of committing any unlawful act, or shall permit any breach of the peace, or any riotous, tumultuous, offensive or disorderly conduct, or any loud or unusual noise or disturbance, or obscene, offensive, profane or unseemly language, to the annoyance, disturbance or vexation of others, in or upon any premises owned or occupied by him, under his control, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

**DISTURBING PEACE OF CITY OR FAMILY.** § 5. Whoever shall disturb the peace and quiet of the city, or any neighborhood, family or person, by loud and unusual noise, shouting, blowing horns, yelling, singing, whistling, or by tumultuous and offensive carriage, or other boisterous and unseemly conduct, shall be fined not less than three dollars, nor more than one hundred dollars.

**DISTURBING CONGREGATIONS.** § 6. Whoever shall disturb any congregation or assembly met for religious worship, or for any other lawful purpose, shall be fined not less than five dollars, nor more than one hundred dollars.

**FALSE ALARM OF FIRE—CRY FOR ASSISTANCE.** § 7. Whoever shall knowingly make or give a false alarm of fire, or any false cry for assistance, shall be fined not less than three, nor more than one hundred dollars.

**DRUNKENNESS.** § 8. Whoever shall be drunk or shall be in a state of intoxication in any public place, or in any private house or place, to the annoyance of any person, shall be fined not less than two dollars, nor more than fifty dollars.

**INDECENT EXPOSURE.** § 9. Whoever shall purposely or publicly make any indecent exposure of his or her person, or shall appear in

a dress not belonging to his or her sex, or in an indecent or lewd dress, or in a state of nudity, or shall be guilty of any other indecent or lewd act or behavior, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars.

**SALE OF OBSCENE BOOKS, ETC.** § 10. Whoever shall bring within the limits of said city, for the purpose of sale or exhibition, or shall sell or offer to sell, or shall give away or offer to give away, or shall in any manner exhibit, or shall make, draw, print or publish any obscene, indecent or scandalous book, pamphlet, newspaper, journal, print, publication, paper or writing of any kind, or any obscene, indecent or lewd picture, drawing, engraving, card, photograph, model, cast or instrument, or any article of indecent or immoral use, shall, on conviction, be fined not less than twenty-five dollars, nor more than two hundred dollars for each offense.

**HAVING OBSCENE BOOKS, ETC., IN POSSESSION.** § 11. Whoever shall keep or have in his possession, within said city, any of the obscene or indecent articles or things mentioned in the last preceding section, with or without intent to sell or dispose of the same, shall, on conviction, be fined not less than five dollars, nor more than fifty dollars.

**OBSCENE WRITING OR FIGURE.** § 12. Whoever shall, in any place open to public view, write, mark, draw, cut or make any obscene or indecent word, sentence, design or figure, shall be fined not less than five dollars, nor more than one hundred dollars.

**INDECENT EXHIBITION OF ANIMALS.** § 13. Whoever shall indecently exhibit any studhorse, bull, jack or other animal, in any public place, or shall let any such animal except in some inclosed place out of public view, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars.

**GAMBLING.** § 14. Whoever shall in any manner gamble or play for money or other valuable thing, or for any check or anything representing or intended to represent money or other valuable thing, at any game with cards, dice, checks, billiards, or with any other article, instrument or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money or other thing of value, or whoever shall bet on any such game when played by others, shall, for either offense, be fined not less than ten dollars, nor more than two hundred dollars.

**INMATES OF GAMBLING HOUSES, ETC.** § 15. Whoever shall be an inmate of any room, house or place where gaming of any kind

is going on or is allowed, or whoever shall frequent the same or shall be found therein, shall, for either offense, be fined not less than five dollars, nor more than one hundred dollars.

**GAMING HOUSE.** § 16. Whoever shall keep or maintain any gaming house or room, or any place where gaming or betting of any kind is done or going on, or whoever shall procure or permit any persons to come together in any house, rooms or place occupied or owned by him or under his control, for the purpose of playing at any game for money or other valuable thing, or anything representing or intended to represent money or other thing of value, or shall permit any such persons to play at any such game aforesaid when they have come together in any such room, house or place as aforesaid, or whoever shall keep or permit to be used in any building, room, yard, or place occupied, controlled or owned by him, or have in his possession any keno or faro table, faro bank, roulette or other gaming implement, instrument, device or thing commonly used for the purpose of gaming, shall, in either case, be fined not less than twenty-five dollars, nor more than two hundred dollars.

**LEASING PREMISES FOR GAMING.** § 17. Whoever shall knowingly rent or lease to another any building, room or premises to be used or occupied, in whole or in part, as a gaming house or place for persons to come together to play for money or other valuable thing at any game, or to bet upon any game of chance, or shall knowingly permit the same to be so used or occupied, shall be fined not less than ten dollars, nor more than two hundred dollars.

**DUTY OF POLICE FORCE—REFUSAL OF ADMITTANCE OF POLICE—PENALTY.** § 18. It shall be the duty of all members of the police force to report to the mayor, each house, room or place, within the city, wherein gaming of any kind is carried on, or wherein any games, devices, tables or other instruments or things for the purpose of gaming, are or may be set up or maintained; and said police officers shall use and take all lawful means to suppress and prevent gaming, or the playing at the tables, games or devices aforesaid, and for this purpose, when and as often as any one of them shall have reasonable cause to suspect that any such table, game or device is set up, kept or maintained as aforesaid, or that any gaming of any kind is being carried on or done in any house, room or place, contrary to the ordinances of the city, he shall make complaint thereof before some police magistrate or justice of the peace, and obtain a warrant authorizing him to enter such building, room or place; and said police officer shall then have authority to demand entry therein, and

any person or persons who shall refuse or neglect to open the door or entrance to such house, room, or place, upon the application of any police officer having such warrant, shall forfeit and pay a fine of not less than twenty dollars nor more than two hundred dollars for each offense.

**POLICE TO DESTROY GAMING IMPLEMENTS.** § 19. It is hereby made the duty of every member of the police force to seize any table, instrument or device or thing used for the purpose of gaming, and all such tables, instruments, devices or things shall be destroyed. Any person resisting or obstructing any member of the police force in the performance of any act authorized by this section shall be fined not less than twenty-five dollars, nor more than fifty dollars for each offense.

**LOTTERIES PROHIBITED.** § 20. Whoever shall maintain or run or be in any way connected with any lottery, or any other enterprise or business, by whatever name the same may be known, wherein any property is sold or disposed of by chance, or whoever shall sell or dispose of any lottery ticket or share or any chance, or any article or thing entitling or purporting to entitle the purchaser thereof to any chance, or whoever shall sell or dispose of any package or article purporting to contain a prize, or where as an inducement it is held out that such article or package may contain a prize or may entitle the purchaser to some article or thing of value not directly contemplated and known in the purchase, shall be fined not less than ten dollars, nor more than two hundred dollars for each offense.

**HOUSES OF ILL-FAME.** § 21. Whoever shall keep or maintain any bawdy house, house of ill-fame or of assignation, or any room or place for the practice of fornication within said city or within three miles from the outer boundaries thereof, or shall knowingly suffer or permit any premises owned or occupied by him or under his control within said city or within the limits aforesaid to be used for that purpose, shall be fined not less than ten dollars, nor more than one hundred dollars.

**INMATES OF HOUSES OF ILL-FAME, ETC.** § 22. Whoever shall be an inmate of any bawdy house, house of ill-fame, or any room or place for the purpose of fornication situated within said city or within three miles of the outer boundaries thereof, or shall in any way contribute to the support thereof or be connected therewith, or whoever shall be found therein, shall, for each offense, be fined not less than five dollars, nor more than one hundred dollars.



**CONCEALED WEAPONS.** § 23. Whoever shall carry concealed upon or about his person any pistol, revolver, derringer, bowie-knife, dirk, slungshot, metallic knuckles or a razor as a weapon, or any other deadly weapon of like character capable of being concealed upon the person, or whoever shall in a threatening or boisterous manner flourish or display the same, shall be fined not less than five dollars, nor more than one hundred dollars, and in addition to the said penalty shall, upon the order of the magistrate before whom such conviction is had, forfeit the weapon so carried to the city.

**DISORDERLY HOUSE.** § 24. Whoever shall keep a common, ill-governed and disorderly house, to the encouragement of idleness, gaming, drinking, fornication or other misbehavior, shall be fined not exceeding two hundred dollars.

**DISTURBING FUNERAL.** § 25. Whoever shall willfully interrupt or disturb any funeral assembly or funeral procession, shall be fined not less than three dollars, nor more than two hundred dollars.

**PLACES OF AMUSEMENT OPEN ON SUNDAY.** § 26. Whoever shall, on Sunday, keep open any billiard room, ball or pin alley, house, beer garden, ground or other place of amusement, or shall suffer or permit persons to assemble therein for the purpose of amusement or play, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars.

**AMUSEMENTS ON SUNDAY.** § 27. Whoever shall, on Sunday, play ball, or disturb the peace or good order of society by any play or amusement, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars.

**PLACE OF BUSINESS OPEN ON SUNDAY.** § 28. Whoever shall, on Sunday, (except in cases of necessity or for charitable purposes, or where the party shall conscientiously and on religious principle observe some other day of the week as the Sabbath,) keep open his place of business or pursue his daily business or avocation, or shall require or permit any hand, servant or employee to labor or work at such business or avocation, shall be fined not less than five dollars, and not exceeding one hundred dollars: *Provided*, This section shall not apply to hotels, eating houses, livery stables, or the operation of street or other railways.

**CRUELTY TO ANIMALS.** § 29. Whoever shall, in any manner or by any means, be guilty of cruelty to any dumb animal, or shall be guilty of turning out and abandoning any old, decrepid or worthless animal upon the public streets or commons, shall be fined not less than five dollars, nor more than one hundred dollars.

**FAST DRIVING—DRUNKEN DRIVERS.** § 30. Whoever shall run, race or immoderately ride or drive any horse, mule or other animal or any team in any street or alley of said city, or whoever shall ride or drive the same when intoxicated, or whoever shall willfully or heedlessly drive such animal so that such animal or any vehicle attached thereto shall come into collision with any other animal or vehicle, or shall strike any person, shall be fined not less than three dollars, nor more than one hundred dollars.

**LEAVING ANIMALS UNFASTENED.** § 31. Whoever shall leave any horse, mule or other animal attached to any vehicle or conveyance, in any uninclosed place without being securely fastened or guarded, so as to prevent its running away, shall be fined not less than three dollars, nor more than one hundred dollars.

**SCARING HORSES.** § 32. Whoever shall, by riding any bicycle in the streets or on the sidewalks of said city, or shall by any other means willfully or negligently frighten any horse, mule or other animal being at the time ridden by any person or attached to any vehicle, shall be fined not less than three dollars, nor more than fifty dollars.

**VEHICLES TO PASS TO THE RIGHT.** § 33. Any person driving any vehicle upon any street, bridge or thoroughfare of said city shall, upon meeting any other vehicle or the cars of the Danville Gas, Electric Light and Street Railway Company, turn off and drive to the right, so as to pass the same without injury. Any person who shall injure the person or property of another, by violating this section, shall be fined not less than three dollars, nor more than fifty dollars.

**WEIGHING OF GUNPOWDER—KEROSENE.** § 34. Whoever shall, by gaslight, lamplight or any artificial light, weigh any gunpowder or gun-cotton, or draw any kerosene-oil or burning-fluid from any cask or barrel, shall be fined not less than one dollar, nor more than fifty dollars.

**POISON—SALE OF.** § 35. Whoever shall keep, sell or deliver any poison usually known or used as deadly poison, without legibly marking the name thereof or the word "Poison" upon the vial, wrapper or other inclosure containing the same, or whoever shall sell or deliver any arsenic, strychnine, prussic acid or other poison usually known or used as a deadly poison to any person known to him, without registering the name of such person, and the kind and quality of the poison sold or delivered and the purpose for which the same was obtained; or whoever shall sell or deliver any such poison to any person to him unknown, shall be subject to a penalty of not less than

five dollars, and not exceeding one hundred dollars in each case. But the sale or delivery of any such poison as a medicine, upon the prescription of a practicing physician, shall not be deemed a violation of this section.

**BURGLAR TOOLS.** § 36. Whoever shall have in his possession any nippers of the description known as burglar's nippers, or any picklock, skeleton-key, key to be used with a bit or bits, jimmy or other burglar's tool or instrument of whatever kind or description, unless it be shown that such possession is innocent or for a lawful purpose, shall be fined not less than twenty-five dollars, nor more than two hundred dollars.

**ORANGE PEEL, BANANNA, ETC.** § 37. Whoever shall throw, cast, lay or place on any sidewalk in said city the rind or peel of any orange, banana, apple or other fruit, shall be fined not less than one dollar, nor more than ten dollars.

**FIRING CANNON, GUNS, FIRECRACKERS, ETC.** § 38. Whoever shall fire or discharge any cannon, gun, pistol, revolver, or any fire-arm of any description, or shall fire, explode or set off any squib, firecracker, torpedo or other thing containing powder, or other explosive material, without permission from the mayor so to do, shall be fined not less than one dollar, nor more than twenty dollars. Such permission, when given, shall definitely limit the time of such firing, and may at any time be revoked.

**BOYS MAKING DISTURBANCE, ETC.** § 39. Any two or more boys who may be assembled together and disturbing any lawful assembly of persons, or making any unusual noise or disturbance, to the disquiet or annoyance of the neighborhood, or who may be found loitering or strolling about in the night-time, and who shall not disperse and go to their several homes when required by the mayor or any police officer, shall each severally be subject to a penalty not exceeding five dollars in each case.

**DANGEROUS SPORTS, KITE FLYING, ETC.** § 40. No boy or other person shall, in the inhabited part of the city, use or drive any hoop, or play with any ball, or use any bow and arrow, or raise and fly any kite or smoke or fire balloon, or fire, explode or set off any fire arms, fire balls, fire crackers, torpedoes, rockets, or other fire works, or shall otherwise pursue any amusement or exercise calculated to impede travel or frighten animals, or injure or annoy persons passing along the streets or sidewalks, under a penalty not exceeding five dollars in each case.

THROWING STONES—SLINGS, ETC.—DUTY OF OFFICERS. § 41. Any boy, or other person, who shall cast or throw any stone, brick, club, snow ball or other missile at any person, or from or into any public place, or at, against, into or upon any tree, building, premises, or other property, or shall use, play with or have in his possession a sling of any character, or any other instrument or device whatsoever, for the casting or throwing of stone, bullet or other thing, shall be fined not exceeding twenty dollars. And it is hereby made the duty of any police officer of this city, to take possession of, and destroy any such sling, instrument, or device found in the possession of any such boy or person as aforesaid.

CLIMBING ON BRIDGES, FENCES, TREES, ETC. § 42. Any boy or other person who shall walk upon the top of any bridge or the railing thereof, or on the top or capping of any fence or railing, or shall climb upon the same, or into any shade, fruit, or ornamental tree, upon any sidewalk or in any lot or premises, without the consent of the owner thereof, or shall meddle with any public well, cistern, or pump, shall in either case, be subject to a penalty of not exceeding ten dollars.

INJURY TO PAVEMENT, ETC.—OBSTRUCTING PUBLIC IMPROVEMENT. § 43. Whoever shall tear up or injure any pavement, sidewalk, cross walk, drain or sewer, or shall hinder or obstruct the making or repairing of the same, or of any other public work or improvement being done under city authority, shall be fined not less than ten dollars, nor more than one hundred dollars for each offense.

INJURY TO BRIDGES, BUILDINGS, ETC.—MALICIOUS MISCHIEF. § 44. Whoever shall willfully, maliciously, or negligently destroy, injure, mark, cut, or write upon, or otherwise deface or injure, any bridge or its appurtenances, or any public or private building, fence, railing or any public property of the state, county or city, or any private property, or be guilty of any kind of malicious mischief, shall be fined not less than five dollars, nor more than one hundred dollars.

INJURY TO STREET LAMPS, TELEGRAPH AND TELEPHONE POSTS, ETC. § 45. Whoever shall willfully, maliciously or negligently break, deface, destroy or in any manner injure any street lamp or lamp post, telephone, electric light or telegraph post, telephone, electric light or telegraph wires, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars.

**LIGHTING OR EXTINGUISHING STREET LAMPS.** § 46. Whoever shall, without due authority, light or extinguish any street lamp, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars.

**CLIMBING UPON LAMP POSTS—HITCHING THERETO, ETC.** § 47. Whoever shall climb upon any street lamp post, or fasten any horse or other animal thereto, or shall hang or place any goods, boxes, wood or other substance upon or against the same, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

**HITCHING HORSES TO TREES, FENCES, ETC.** § 48. Whoever shall hitch or fasten any horse, or other animal to any ornamental or shade tree, or to any fence or railing, or to any building or structure upon any street, alley or sidewalk, shall be fined not less than three dollars, nor more than fifty dollars.

**TRESPASSING AND CARRYING AWAY FRUIT, ETC.** § 49. Whoever shall trespass upon any private premises, or public grounds, and injure, destroy or carry away any flower, fruit, vegetable, plant, shrub, tree or other thing, which may be there for ornament or otherwise, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

**TRESPASS UPON PRIVATE PREMISES.** § 50. Whoever shall be found trespassing upon the premises of another within said city, shall be fined not exceeding fifty dollars.

**POSTING BILLS, ETC.** § 51. Whoever shall, without the consent of the owner or occupant of the premises, post or place any hand bill, show bill, placard or notice, or paint any sign or advertisement, upon any tree, fence, wall, barn, out-house, telephone, telegraph, electric light or street railway pole, or building of any kind, shall be fined not less than three dollars, nor more than one hundred dollars.

**INJURING GAS SERVICE BOXES OR WATER PIPES.** § 52. Whoever shall willfully remove, injure, destroy or carry away any cap or lid, placed upon service boxes of the gas light company, or service pipes of water works company, upon the sidewalks of the city, shall be subject to a penalty of not less than ten dollars, and not exceeding one hundred dollars.

**BALL PLAYING UPON STREETS, ETC.** § 53. Whoever shall play at ball, cricket or other game wherein a ball is used, upon any street

alley, or upon any public ground or place, or upon any private premises without the consent of the owner, or occupant thereof, shall be fined in any sum not exceeding ten dollars.

**SIGNS INDICATING SALE OF LIQUORS, PROHIBITED WHEN. § 54.**

No person or persons within the limits of said city, not having a legal license to retail intoxicating liquors, shall exhibit or permit any sign, letters or caricature on the outside of his building or place, nor shall keep nor permit to be kept any bar with bottles, barrels, kegs or other vessels, whatever, whether containing such liquors or not within his building or place, occupied by him or her, indicating or which shall be intended to indicate, that any vinous, spirituous, mixed, malt, or other intoxicating liquors whatever, are kept and sold at such places in less quantity than one gallon, under a penalty of not less than three dollars, and not exceeding one hundred dollars for each day the same shall remain in such place.

**DRINKING A PUBLIC NUISANCE. § 55.** If two or more persons shall assemble together, or who, being together, shall, in any public place or in any place open to public view within the corporate limits of the city or Danville, drink any vinous, spirituous, fermented, mixed, malt or other intoxicating liquors of any kind whatsoever, they shall be deemed guilty of creating a nuisance, and shall each be subject to a penalty of not less than five, and not exceeding one hundred dollars for each offense.

**VEHICLES STANDING ON STREETS. § 56.** Whoever shall leave any sled, cart, dray, buggy or other vehicle, standing in or upon any street or alley of said city, when the same is not in use, shall for each offense be fined not exceeding ten dollars.

**MEDDLING WITH FIRE HYDRANT. § 57.** Whoever shall, unless authorized by the water works company, the chief of the fire department, or the mayor of the city, take water from any public fire plug or hydrant, or shall remove the cover from the same, or place any earth or other material in any such fire plug or hydrant, or in the box or appendage thereto, or shall in any other manner interfere with or injure the same, shall be fined not less than three dollars nor more than one hundred dollars. This section not to apply to the legitimate use of such fire plugs or hydrants by any fire company of said city.

**VAGRANTS. § 58.** Any person able to work and support himself by any honest and respectable calling, not having visible means of support, who shall live idly without lawful employment, or shall loiter or stroll about begging, or shall stroll, loiter about the streets



or railroad depots, or railroad grounds, or sleep in railroad cars, or be found therein, or frequent gaming houses, disorderly or bawdy houses, groceries, tippling houses, or other places where intoxicating liquors are sold, or shall otherwise lead an idle or profligate course of life; or any person who shall keep any gaming house, or keep or exhibit any gaming implements for the purpose of gaming therewith, or shall pursue gaming, or who shall keep, maintain or be an inmate of any house of prostitution, or who shall have in his possession any implements used for counterfeiting or for the commission of burglary, or for picking locks or pockets, or any implement or device used by cheats and swindlers, without being able to give a good account of his possession of the same, or who shall trespass upon private property, or who shall sleep in sheds, stables, out houses, or in the open air, without being able to give a good account of himself or herself, shall be deemed a vagrant, and shall be subject to a penalty of not less than ten dollars, and not exceeding one hundred dollars.

**FAST DRIVING OVER BRIDGES.** § 59. Whoever shall ride or drive faster than a walk over any bridge in the said city shall, for each offense, be fined in a sum not less than one dollar, and not exceeding ten dollars.

**IDLING ABOUT DEPOTS—INTERFERING WITH PROPERTY, ETC.** § 60. Any person who shall idle, loaf or loiter in or around the depot of any railway, or upon the platforms or grounds adjoining thereto and used in connection therewith; or shall in any manner impede, obstruct or disturb any officer or employee of such railway while engaged in performing his lawful business connected therewith; or shall in any manner molest, disturb, meddle with, or take or carry away any property of such company, or any property in course of transportation thereon, without permission from the proper agents or servants of the company operating said railway; or shall in any manner interfere with or disturb any passenger or traveler in or about such depot, platform or grounds, or other person having lawful business to transact there, shall in either case be guilty of a misdemeanor and be fined not less than three dollars, nor more than one hundred dollars.

**MINORS TO KEEP OFF CARS, ETC.** § 61. Any minor or other person, who shall climb, jump, step, stand upon, cling to, or in any way attach himself to any locomotive, engine or car, either stationary or in motion, upon any part of the track of any railroad, unless in so doing, he shall be acting in compliance with law, or by permission under the lawful rules and regulations of the corporation then



owning or managing such railroad, shall be fined in any sum not exceeding twenty dollars. This section to be applicable to steam railways.

THROWING STONES ETC., AT STREET CARS. § 62. Whoever shall throw at or against any street car, or at or against any animal hitched to the same, or at or against any person riding or being on the same, any stone or other missile, shall be fined not less than three dollars, nor more than one hundred dollars for each offense.

MINORS CLIMBING ON STREET CARS, ETC. § 63. Any minor or other person who shall climb, jump, stand upon, cling to or in any way attach himself to any street car, either standing or moving upon any part of the track of any street railway in said city, unless in doing so, he shall be acting in compliance with law, or by permission under the lawful rules and regulations of the corporation owning or operating said railway, shall be fined in any sum not exceeding twenty dollars.

ENTERING STREET CARS, REFUSING FARE, ETC. § 64. Whoever shall enter any street car and shall refuse to pay the lawful fare demanded of him by the driver or conductor thereof; and shall fail or refuse to leave said car when requested so to do by the driver or conductor, shall be fined not less than three, nor more than one hundred dollars.

DISORDERLY CONDUCT ON STREET CARS. § 65. Whoever shall conduct himself or herself in a noisy or tumultuous manner upon any street car, or who shall be guilty of any conduct upon any such car as shall be calculated to disturb or annoy any person riding or being upon the same, shall be fined not less than three, nor more than one hundred dollars for each offense.

OBSTRUCTIONS TO OPERATION OF STREET CAR. § 66. Whoever shall place or leave upon any track or rail of any street railway in said city any stone or other obstruction, or shall in any manner injure any such track or rail, or shall unnecessarily impede or obstruct the running of any street car on said track or rail, or shall injure or deface any street car or any portion thereof, shall be fined not less than three, and not more than one hundred dollars for each offense. And a refusal or failure by any person driving or riding upon or along any such track or rail to leave the same, so as to allow such street car to pass, when warned to do so by the ringing of the bell upon such street car, shall be deemed an obstruction of such rail or track within the meaning of this ordinance.

**BILL BOARDS—WHEN A NUISANCE.** § 67. Whoever shall erect, keep or maintain any bill-board or board for advertising upon in any public ground or place, or upon any private premises adjacent to any sidewalk, street or footway, the same being so erected as to occasion danger or inconvenience to the public, shall be deemed guilty of a nuisance, and be fined not less than five dollars, nor more than twenty dollars.

**ATTEMPT TO COMMIT OFFENSE.** § 68. Whoever attempts to commit any offense prohibited by ordinance, and does any act toward it but fails, or is intercepted or prevented in its execution, where no express provision is made by ordinance for the punishment of such attempt, shall, on conviction of such attempt, be subject to the same penalty as by ordinance prescribed for the actual commission of the offense.

**ACCESSORIES, ETC.** § 69. Whoever aids, abets, assists, advises, or encourages the commission of any act prohibited by ordinance, or by any indirect means procures any such offense to be committed, or whoever commits an offense through the intervention of an agent, servant, employee or person under his control, shall be deemed guilty to the same extent, and may be proceeded against in the same manner as though said offense had been committed by him directly and with his own hand. And any such agent, servant or other person, doing any prohibited act for and on behalf of another shall be deemed guilty of such act equally with his employer or principal, and be subject to the same penalty, except in such cases where a different or other penalty is provided by ordinance for such agent or employee.

**PROSTITUTES LOITERING ON STREETS, ETC.** § 70. Any lewd woman or prostitute who shall in any manner ply her vocation upon the streets, alleys, public places or parks of said city by loitering or in any manner soliciting to acts of lewdness, or who shall be found loitering on the streets during the night-time, shall, upon conviction, be fined in any sum not less than three dollars, nor more than one hundred dollars for each offense.

**RINGING OF SCHOOL BELLS.** § 71. No bell of any school house or building used for school purposes within said city shall be rung between the hours of eight o'clock in the evening and six o'clock and thirty minutes the following morning from May 1st to November 1st, and from seven o'clock in the evening to six o'clock and thirty minutes the following morning from November 1st to May 1st of each year. Any person violating the provisions of this section shall be fined in any sum not less than five dollars, nor more than

ten dollars for each offense: *Provided*, That this section shall not apply where such bells are rung in case of fire, for fire alarm.

PROHIBITS BOYS FROM LOITERING, ETC., ABOUT CHURCHES, ETC.  
§ 72. It shall be unlawful for boys to loiter or congregate upon the streets, sidewalks or alleys of this city in the vicinity of any church, school, theatre, hotel, railroad depot, store, factory or other public place, to the annoyance or disturbance of any person or persons. Any two or more boys who shall be loitering or strolling about the streets or alleys, or who shall congregate upon the streets, sidewalks or alleys of the city in the vicinity of any such church, school, theatre, hotel, railroad depot, store, factory or other public place, and who shall refuse to disperse and go to their respective homes when requested to do so by any member of the police force or by any person annoyed thereby, shall, upon conviction, be fined not less than one dollar, nor more than ten dollars for each offense.

DRIVING UNHALTERED HORSES OR MULES THROUGH THE STREETS. § 73. It shall be unlawful to drive any horses or mules through the streets and alleys of this city unless they be securely haltered or controlled and led by any person who is competent and having control thereof. Any person violating the provisions of this section shall be fined not less than three dollars, and not more than thirty dollars.

## CHAPTER XXIV.

## NUISANCE.

## SECTION.

1. Pens and stables.
2. Accumulation of manure.
3. Suffering premises to become foul.
4. Foul liquids, etc.
5. Depositing offensive matter in river, etc.
6. Green and salted hides—a nuisance. When.
7. Dead animals.
8. Removal of dead animals.
9. Trap doors, gratings, etc.
10. Removal of offensive matter.
11. Carts and vehicles carrying offensive matter.
12. Slaughter houses—other offensive establishments.
13. Operating slaughter houses, etc., in offensive manner.
14. Permits for slaughter houses, etc.
15. Time for which permits shall issue.
16. Stagnant water.
17. Dilapidated buildings.
18. Ordinance of abatement.
19. Notice to owner—building destroyed, etc.
20. Cost of abatement—suit against owner.
21. Penalty for not obeying notice.
22. Building in danger of falling.
23. Duty of mayor.
24. Dangerous scaffolds.
25. Duty of police.
26. Author of nuisances unknown, etc.
27. Washing buggies on street or walk.
28. Not to erect stable, etc., near street, etc.

PENS AND STABLES. § 1. Any pen, stable, lot, place or premises in which any animal or poultry may be kept or confined, and which shall become nauseous, foul or offensive, or from any cause become an annoyance to the neighborhood, family or person, shall be deemed a nuisance. And the owner or keeper of any such animals or poultry, or the owner or occupant of such premises, who, upon being notified by any police or other officer of said city to abate, remedy or remove such nuisance, within a time to be specified in said notice, shall neglect or refuse so to do, within the time specified, shall be fined not less than three dollars, nor more than one hundred dollars, and he shall be subject to a like penalty for each day he shall suffer or permit such nuisance to remain after the expiration of the time fixed by said notice for the abatement of the same.

ACCUMULATION OF MANURE—A NUISANCE. § 2. Whoever shall suffer to accumulate on any premises owned or controlled by him

any heap or stack of manure in such manner as to emit noxious, disagreeable or offensive smells, to the annoyance of any person or family, or whoever shall place any such manure upon any public street, alley or common, shall be deemed guilty of a nuisance. And if such person, upon being notified by any police or other officer of said city to abate, remedy or remove such nuisance, within a time to be specified in such notice, shall neglect or refuse so to do, shall be fined not less than three dollars, nor more than fifty dollars, and he shall be subject to a like penalty for each day he shall suffer or permit such nuisance to remain after the expiration of the time fixed by the said notice for the abatement of the same.

**SUFFERING PREMISES TO BECOME FOUL.** § 3. Whoever shall suffer or permit any cellar, vault, drain, pool, privy, sewer, yard, grounds or premises owned, occupied or controlled by him, to become from any cause nauseous, foul or offensive, or injurious to public health, or unpleasant and disagreeable to adjacent residents, or to any person passing along any street or alley near the same, shall be deemed guilty of a nuisance: and if such person, upon being notified by any police or other officer to abate, remedy or remove such nuisance, within a time to be specified in said notice, shall neglect or refuse so to do, he shall be fined not less than three dollars, nor more than one hundred dollars; and he shall be subject to a like penalty for each day he shall suffer or permit such nuisance to remain after the expiration of the time fixed by said notice for the abatement of the same.

**FOUL LIQUORS, ETC.** § 4. Whoever shall place, deposit, throw, leave or permit to remain, or shall cause or permit to flow, liquid, slops, animal or vegetable matter or substance of any kind, which is, or is likely to become rotten, foul, nauseous, putrid or offensive, in or upon any premises owned, controlled or occupied by him, or into or upon any adjacent premises, or upon the premises of any other person, or into any street, alley or common, shall be guilty of a nuisance, and shall be fined not less than three dollars, nor more than one hundred dollars.

**DEPOSITING OFFENSIVE MATTER IN RIVER, ETC.** § 5. Whoever shall deposit, throw, discharge, or leave any nauseous, foul, offensive or putrid liquor, substance or excrement, or any liquid or substance likely to become nauseous, foul, offensive, putrid, or cause the same to be done, upon the margin, banks, or into the waters of the Vermilion river, or any of its forks or branches, or into Stoney creek, within the limits of said city, or upon any premises, or upon

the banks or in the waters of any of said streams, within one-half mile of said city, shall be fined not less than three dollars, nor more than one hundred dollars.

GREEN AND SALT HIDES—WHEN A NUISANCE. § 6. Whoever shall keep in store in any building, cellar or place within said city, any green or salted hides, pelts or skins, for such a length of time, or in such a manner that they shall become foul, nauseous or offensive by reason of their bad odor, shall be deemed guilty of a nuisance. And if such person, upon being notified by any police or other officer of said city, to abate, remove or remedy such nuisance, within a time to be specified in such notice, shall neglect or refuse to do so, he shall be subject to a penalty of not less than five dollars, nor more than one hundred dollars; and he shall be subject to a like penalty for each day after the expiration of the time specified in said notice, he shall permit such nuisance to remain.

DEAD ANIMALS. § 7. Whoever shall knowingly suffer any dead animal belonging to him to remain within said city, or within one-half mile from the limits thereof, so as to be, or likely to become offensive in any manner to any person, shall be deemed guilty of a nuisance, and shall be fined not less than three dollars, nor more than one hundred dollars.

REMOVAL OF DEAD ANIMALS. § 8. Any person removing any dead animal, who shall purposely or unnecessarily cause the same to be offensive or annoying to any other person, shall be subject to a penalty of not less than three dollars, nor more than one hundred dollars.

TRAP DOORS, GRATING, ETC. § 9. Whoever shall keep or leave open, or suffer to be left or kept open, any cellar door, or trap door, or the grating of any vault, in or upon any sidewalk, street or alley, shall be deemed guilty of a nuisance, and shall be fined not less than three dollars, nor more than one hundred dollars.

REMOVAL OF OFFENSIVE MATTER. § 10. All putrid or offensive matter, and all night soil, and the contents of sinks, privies, vaults, cess-pools, and all noxious substances in said city shall, before their removal or exposure, be disinfected and rendered inoffensive, by the person who removes, or is about to remove the same. Any person violating this section shall be fined not less than three dollars, nor more than one hundred dollars.

CARTS AND VEHICLES CARRYING OFFENSIVE MATTER. § 11. The bed, boxes, tubs, or other receptacle on any cart, wagon or other vehicle, used for the purpose of removing any offal, swill, slops, garbage, or the contents of any privy, vault, or cess-pool, or any other putrid or offensive liquid or substance, shall be so constructed and maintained, so that no part of the contents thereof shall fall, leak or spill therefrom; and shall be tightly covered so as to prevent the same from being offensive. Any person violating this section or any part thereof, either as owner or employee, shall be fined not less than three dollars, nor more than one hundred dollars.

SLAUGHTER HOUSES—OTHER OFFENSIVE ESTABLISHMENTS. § 12. Whoever shall locate, erect, carry on, occupy or use any slaughter house, for slaughtering animals, or any packing house, soap factory, tallow chandlery, bone factory, or any establishment for rendering lard, tallow, offal, dead animals or other substances of like nature, within the limits of said city, or within the distance of one mile without the city limits, without the permission of the city council, shall be deemed guilty of a nuisance, and shall be fined not less than five dollars, nor more than one hundred dollars.

OPERATING SLAUGHTER HOUSES, ETC., IN OFFENSIVE MANNER. § 13. Whoever shall conduct, keep, maintain or operate any slaughter house, packing house, soap factory, tallow chandlery, bone factory or other establishment for rendering lard, tallow, offal, dead animals or other substances of a like nature, within the limits of said city, or within one mile of said limits, in such a manner that the said premises shall become foul, or offensive, or shall emit or give out bad, offensive or unwholesome smells or odors to the annoyance or detriment of any community, family or person, shall be deemed guilty of a nuisance. And if such person, upon being notified by any police or other officer of said city, to renovate or cleanse said premises, or to abate, remedy or remove such nuisance, within a time to be specified in said notice, shall neglect or refuse so to do, he shall be fined not less than five dollars, nor more than one hundred dollars; and he shall be subject to a like fine for each day he shall suffer or permit such nuisance to remain after the time fixed in said notice for the abatement of the same.

PERMITS FOR SLAUGHTER HOUSES, ETC. § 14. Any person desiring to obtain a permit to locate or operate a slaughter house, or any of the establishments enumerated in section 10 of this chapter, within the limits of said city or within one mile without said limits,



shall make a written application therefor to the city council, stating the business he is desirous of pursuing, and specifying the location or premises where the same is to be conducted. Said city council may thereupon grant the said permit, in its discretion, and if such permit is granted the applicant, before he can do business under the same, shall execute to the said city a bond in the penal sum of five hundred dollars, with one or more sureties to be approved by the mayor, conditioned that the said applicant will comply with all ordinances then or thereafter in force regulating such establishments or such business, and that he will pay all fines or penalties or judgments recovered against him by said city before any court of competent jurisdiction, for the violation of any ordinance of said city relating to said business, and that he will also pay all costs, charges or expenses incurred by said city, or any of its officers, in cleansing or renovating the premises, or in abating or removing any nuisance thereon, where the said business shall be carried on.

**TIME FOR WHICH PERMITS SHALL ISSUE.** § 15. Where any person to whom any such permit shall be granted, shall be convicted of a violation of any ordinance of the city regulating such establishments before any court of competent jurisdiction, then the city council, in its discretion, may revoke such permit and declare the same null and void.

**STAGNANT WATER.** § 16. Any lot or premises upon which stagnant water may be standing, and which is, or is likely to become foul and offensive to any person residing near the same, or to persons passing by the same, is hereby declared a nuisance. And the owner, occupant, or person having control of such lot or premises, who shall not abate, remedy or remove such nuisance, when notified so to do, by the marshal or other police officer of said city, within the time in such notice specified, shall be deemed guilty of a nuisance, and be fined not less than three dollars, nor more than one hundred dollars, and he shall be subject to a like penalty for each day he shall permit such nuisance to remain after the expiration of the time fixed in said notice for the abatement of the same.

**DILAPIDATED BUILDINGS.** § 17. Any wooden building or wooden part of any building which may be situated within thirty feet of any contiguous building, and which may be in danger of becoming on fire or setting on fire any contiguous building, by reason of being dilapidated, out of repair or untenable, or by reason of any fire-place, grate, stovepipe, furnace or chimney, or any other structure or apparatus therein used or intended to be used for the purpose of holding, conducting or securing any fire, being insufficient or being improperly or insufficiently secured, is hereby declared a nuisance.

**ORDINANCE FOR ABATEMENT.** § 18. When any such building or part of a building shall be reported to the city council, the same shall be referred to the committee on fire and water, or other appropriate committee, who shall examine such building or part of a building, and report the condition thereof; and if the city council shall be satisfied that such building is within thirty feet of any contiguous building, or in danger of becoming on fire or setting fire to any contiguous building, by reason of any of the causes mentioned in the last preceding section, they may, by the passage of an ordinance, declare such building or part of a building to be a nuisance, stating the cause thereof, and require the owner or occupant of such building or part of a building, or other person liable therefor, to remove such building without the city limits, or to make good and properly secure any such fire-place, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus in such building or part of building, used or intended to be used for the purpose of holding, conducting or securing any fire, or require him, her or them otherwise to abate such nuisance within such time as they may deem necessary.

**NOTICE TO OWNER—BUILDING TO BE DESTROYED.** § 19. The mayor shall, without delay, after the passage of such ordinance as mentioned in the last preceding section, make out, sign and deliver to the marshal, a notice containing a copy of such ordinance, directed to the owner of such building or part of a building, requiring him to remove the same, or to make good and properly secure such fire-place, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus therein, used or intended to be used as aforesaid, in compliance therewith. The marshal shall, without delay, serve such notice upon the owner of such building or part of building, or his agent, and the person in actual occupancy thereof, if any, retaining a copy thereof; but if the owner is a non-resident of the city and has no known agent residing in this city, the mayor shall send the notice to him by mail, directed to him at the post office at which he usually receives his letters, if known, retaining a copy thereof. If no owner or his agent can be found in the city, and the owner's place of residence is unknown, or if the owner is unknown, the mayor shall cause the ordinance to be published at least twice in the newspaper publishing the ordinances of the city, which shall be deemed sufficient notice to all persons. If any such building or part of a building shall not be removed, or such fire-place, stove, grate, stove-pipe, funnel or chimney, or other structure or apparatus therein, used or intended to be used as aforesaid, shall not be made good and properly secured, in compliance with such

notice at the expiration of the time named therein, the mayor shall order the city marshal to move or tear down such building or part of a building, or so much thereof as may be necessary, or in some other manner to remedy such danger and abate such nuisance.

**REPORT OF COST OF ABATEMENT—SUIT AGAINST OWNER.** § 20. The marshal shall, without delay, execute the order of the mayor, and shall report the costs of so doing upon oath to the city council, and the same may be collected of the owner of the building or the occupant thereof, or any person liable therefor, by suit in the name of the city, before any court having jurisdiction.

**PENALTY FOR NOT OBEYING NOTICE.** § 21. Any owner of any such building, who shall, when notified so to do, neglect or refuse to remove the same, or any such owner or any occupant thereof who shall neglect or refuse to make good or perfectly secure any such fire-place, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus therein, used or intended to be used as aforesaid, or otherwise to abate such nuisance in compliance with such notice, shall be subject to a penalty of not less than twenty dollars, and not exceeding one hundred dollars.

**BUILDING IN DANGER OF FALLING.** § 22. Any building or erection, or part thereof, which shall be in danger of falling, or otherwise in such condition as to endanger the safety of persons passing under or near the same, or residing adjacent thereto, or to endanger any property contiguous thereto, is hereby declared to be a nuisance.

**DUTY OF MAYOR.** § 23. When knowledge of any such dangerous building or erection shall come to the mayor, he shall, without delay, summon three disinterested citizens of the city, who shall with him inspect such building or erection, and if they, or a majority of them, shall be of the opinion that the same endangers the safety of persons passing under or near the same, or residing adjacent thereto, or any property contiguous thereto, the mayor shall, without delay, notify, or cause to be notified the owner or person having charge of such building or erection forthwith to remove, demolish or otherwise secure the same, or such part thereof as may be necessary; and upon his failing or refusing to comply with such notice, the mayor shall, without delay, cause such building or erection, or such part thereof as may be necessary to be removed, demolished or otherwise secured, so as to be safe and harmless, and the owner of such building or erection, or person having charge of the same, who shall fail or refuse to comply with such notice shall be subject to a

penalty of not less than twenty dollars and not exceeding one hundred dollars; and the costs of removing, demolishing or securing such building or erection, shall be reported to the city council by the mayor, and the same may be collected of the owner of such building or erection, or person having the same in charge, by suit in the name of the city, before any court having jurisdiction.

**DANGEROUS SCAFFOLDS, ETC.** § 24. All scaffolds or other erections used in the erection of any building shall be made secure and sufficiently wide to insure the safety of persons working thereon or passing under the same against the falling thereof, or of materials placed thereon. Any scaffold or other erection which may be otherwise constructed shall be deemed a nuisance, and whoever shall construct or use any such insecure or dangerous scaffold or other erection shall be subject to a penalty of not less than ten dollars, and not exceeding one hundred dollars, and upon his refusal to remedy or remove the same forthwith, when required by the mayor, the supervisor or any police officer, the officer shall cause the same to be done, and the costs of such removal or remedy shall be collected of the owner or builder, or person having control thereof, and recovered by suit in the name of the city before any court having jurisdiction.

**DUTY OF POLICE—NOTICE—COSTS OF ABATEMENT, ETC.** § 25. When any nuisance, or anything likely to become a nuisance, shall be found by the city marshal, policeman, member of the board of health or other officer of said city, or if such nuisance shall be reported to them or either of them, it shall then be the duty of the city marshal to serve, or cause to be served, a notice upon the owner, tenant or occupant of the premises where such nuisance exists, or the author of the same, thereby notifying him to abate, remedy or remove the same within a certain time, to be specified in said notice, which shall not be less than twelve hours, nor more than thirty days, owing to the nature or character of the nuisance complained of. In case the person so notified shall not comply with said notice, the marshal or any police officer of said city shall enter upon the premises where such nuisance exists, and abate, remedy or remove the same, and shall forthwith bring suit against such person in the name of the city for the penalty incurred by the violation of this chapter, or any section thereof; and the costs of the abatement or removal of such nuisance may also be recovered with the penalty, or by a separate suit in the name of the city, before any court having jurisdiction.

**WHERE OWNER OR AUTHOR OF NUISANCE IS UNKNOWN OR CANNOT BE FOUND.** § 26. When any nuisance, or anything likely to become a nuisance, is found upon any premises, and the owner,

tenant or occupant of said premises, or the author or cause of such nuisance, cannot be found or is unknown, the city marshal or any policeman of said city shall forthwith enter upon said premises and abate, remedy or remove such nuisance. The city marshal shall report to the city council the cost and expense of the abatement of such nuisance, and a suit to recover the amount thereof shall be instituted in the name of the city against the owner or occupant of said premises or against the author of such nuisance in any court of competent jurisdiction where he shall be found.

WASHING BUGGIES ON STREETS OR SIDEWALKS. § 27. The washing or cleaning of any carriage, buggy, gig, wagon, cab or other vehicle in or upon the streets or sidewalks of the city is hereby declared a nuisance, and any person or persons violating the provisions of this section shall be fined in any sum not less than five, nor more than twenty dollars.

NOT TO ERECT ANY STABLE, ETC., NEAR ANY STREET, ETC. § 28. It shall be unlawful for the owner of any lot, part of lot or parcel of land within the city to erect, build or locate thereon any stable, pig-sty or privy nearer than twenty feet to any street, avenue, park or public ground in said city. Any person who shall violate the provisions of this section shall be fined in any sum not less than three, nor more than fifty dollars.

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## CHAPTER XXV.

### OFFICERS.

#### SECTION.

1. Officers appointed.
2. Oath of office.
3. Official bonds.
4. Sureties—city attorney to prepare bond—new bond.
5. Commissions, etc.
6. Officers to pay money over.
7. Salaries payable—when.
8. Records of city open to inspection.
9. Officers absent.
10. Removal or absence from city.
11. Liability for damage.
12. Duties of city attorney.
13. Duties of city clerk.

OFFICERS APPOINTED. § 1. There shall be appointed annually by the mayor, with the approval of the city council, the following

city officers, viz: A city marshal, night captain, chief of fire department, engineer of the fire department, and such number of police and firemen as the city council may by resolution deem necessary and expedient.

**OATH OF OFFICE.** § 2. All officers, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of..... according to the best of my ability."

**OFFICIAL BONDS.** § 3. All officers, whether elected or appointed, (except aldermen,) shall, before entering upon the duties of their respective offices, execute a bond, with security to be approved by the city council, payable to the city of Danville, in such penal sum as may by resolution or ordinance be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city: *Provided, however,* That in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000), nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year; which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer).

**SURETIES—CITY ATTORNEY TO PREPARE BOND—NEW BOND.** § 4. No member of the city council or officer of the city shall be received as surety on the official bond of any city officer hereby created and provided for, and herein required to execute bond as city officer. All official bonds shall be drawn by the corporation counsel, or submitted to him after being drawn up, for his approval of the form thereof, and shall then be submitted to the city council for their approval, which, when given, the city clerk shall certify thereon, and shall file and preserve the same in his office (except the bond of the city clerk, which shall be filed with the treasurer). The city council may at any time require a new bond to be executed by any city officer, if from any cause they shall deem the old bond insufficient, or the securities thereon; but the execution of such new bond shall not in any manner affect any liability, loss or damage incurred under the old bond, or release the sureties from any liability incurred thereon. All bonds or contracts shall be written or printed, or partly both, in a plain and legible manner.



**COMMISSIONS.** § 5. All officers (except the clerk, aldermen and mayor) shall be commissioned by warrant, under the corporate seal, signed by the clerk and mayor or presiding officer of the city council. The mayor shall issue a certificate of appointment or election, under the seal of the city, to the clerk thereof, and any person having been an officer of the city shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession belonging to the city, or appertaining to his said office, and upon his refusal to do so shall be liable for all damages caused thereby, and shall be subject to a penalty of not less than twenty-five dollars, and not exceeding two hundred dollars.

**OFFICERS TO PAY MONEY OVER.** § 6. All officers collecting or receiving any moneys on account of the city shall pay the same, as fast as collected, into the city treasury in the same kind of funds as received by them, and shall, on the first Thursday of each month, report to the city council an accurate statement of all the moneys received by them for the preceding month, specifying the amount, from whom and on what account received. No officer shall retain any moneys received or collected by him toward the payment of any salary or fees which may be coming to him from the city, but shall pay the same into the treasury. Any officer violating any provision of this section shall be subject to a penalty of not less than ten dollars, and not exceeding two hundred dollars.

**SALARIES PAYABLE—WHEN.** § 7. The salaries of the city officers, unless otherwise specially provided, shall be payable monthly, on the first Thursday of each month, and they shall present their accounts to the city council for adjustment or payment, but no warrant shall be drawn in favor of any officer for his salary until he shall have filed his report as herein required, nor shall any warrant in any case be drawn in favor of any officer who shall be in default or arrears with the city.

**RECORDS OF CITY OPEN TO INSPECTION.** § 8. The records, books and papers pertaining to any city officer shall, at all reasonable times be subject to the inspection and examination of the mayor, the city council or any of its committees, or any person interested in the same; and all city officers shall, when requested, give all the information in their power pertaining to their respective offices, to the city council or any of its committees, or any other department of the city government.

**OFFICERS ABSENT.** § 9. When any particular officer required by ordinance to execute any particular duty, shall be absent, or



incompetent, or otherwise unable to discharge such duty, the mayor or mayor *pro tem.*, may assign the discharge of such duty to some other officer, and such officer shall act in such case with the same power and authority as is specially named in the ordinance.

**REMOVAL OR ABSENCE FROM CITY.** § 10. If any city officer shall remove from the city, or absent himself therefrom for one month without permission of the city council first had and obtained, his office shall be vacated.

**LIABILITY OF OFFICERS FOR DAMAGE.** § 11. All officers shall be liable to the city for all loss or damage which may arise from their negligence or willful misconduct in the discharge of any official duty, and the city council may, in its discretion, by order, withhold the salary of any such officer, in order to secure the city from loss. And if any officer shall fail, neglect or refuse to discharge or perform any duty required of him, the mayor may employ or appoint some competent person to perform such duty, and the costs and expenses of doing the same shall be charged to such officer and deducted from his salary, or if his salary shall be insufficient to pay the same, they may be collected from him and recovered by suit in the name of the city, before any court having jurisdiction.

**DUTIES OF CITY ATTORNEY.** § 12. It shall be the duty of the city attorney to prosecute all suits for the recovery of fines or penalties, before any court, for the violation of any of the laws or ordinances of said city, to furnish his written opinion upon any legal question submitted to him for such opinion by the city council, and to attend all meetings of said council, when requested so to do; and he shall also make any reports concerning any suits to which the city may be a party, whenever directed so to do by the council. He shall also assist the corporation council in all suits brought against the city or any of its officers whenever called upon so to do.

**DUTIES OF CITY CLERK.** § 13. The city clerk shall keep the corporate seal of said city, and all papers belonging to the city. He shall attend all meetings of the city council, and keep a full record of its proceedings in its journal. He shall keep full and complete accounts and exhibits of all financial transactions of the city, to be entered upon such books as are provided for that purpose, including in such accounts all claims against the city, as the same may be allowed, and all orders for the payment of money granted, and on what account. He shall preserve in his office all bills on which any money may be paid out by the city, which shall be neatly folded and endorsed with the name of the payee thereon.

He shall issue all licenses, in accordance with the ordinances of the city, and shall keep a record in a suitable book of each license granted, to whom granted, for what purpose, for what length of time, the location of the place of business for which the license was obtained, and the amount of license fee paid. He shall also act as the clerk and disbursing agent of the committee on streets and alleys, and committee on bridges, and committee on public buildings and grounds. He shall perform such other and further duties pertaining to his office as may be necessary, or as the city council may from time to time direct.

## CHAPTER XXVI.

### ORDINANCES.

#### SECTION.

1. Ordinance repealed in force till when.
2. Conflict of ordinances.
3. "Court" defined.
4. Effect of repeal of repealing ordinance.
5. Construction of certain words.
6. Power of mayor pro tem—marshal and police.
7. Rules of construction.
8. Fines, etc., not released by repeal of ordinance.
9. Two offenses—election of prosecutor.
10. Enrollment of ordinances.
11. Ordinances in force.

ORDINANCE REPEALED IN FORCE TILL WHEN. § 1. When any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same takes effect, unless it shall be therein otherwise expressly provided.

CONFLICT OF ORDINANCES. § 2. When the provisions of different ordinances or of the different chapters of any ordinance conflict with or contravene each other, the provisions and requirements of each ordinance or chapter shall prevail as to all subjects, matters and questions arising out of or embraced within the subject-matter thereof. But if different provisions be found in different sections of the same ordinance, the provisions of the section which is last in numerical order shall prevail, unless such construction would be repugnant to or inconsistent with the meaning of such ordinance or chapter.

**"COURT" DEFINED.** § 3. The word "court," when used in any ordinance, shall be construed to mean any court of competent jurisdiction, whether police magistrates' courts, justices of the peace, or courts of record.

**REPEAL OF A REPEALING ORDINANCE—EFFECT.** § 4. No ordinance or part of any ordinance repealed by any other ordinance shall be revived by the repeal of the repealing ordinance, unless it shall be therein otherwise expressly provided.

**CONSTRUCTION OF CERTAIN WORDS.** § 5. When in any ordinance words importing the singular number are used in reference to any person or subject-matter, such words shall be deemed to extend to and embrace several persons, matters or subjects, and words used collectively or importing the plural number shall be deemed to extend to and embrace any singular person, matter or subject as well as to several; and when any person or subject-matter shall be named, referred to or described by words importing the masculine gender, or by general terms, females as well as males shall be deemed included in the meaning and terms thereof, and the words "person" or "persons," or words importing any person or persons, shall be deemed to include corporations as well as individuals. The word "month," when used in any ordinance, shall be construed to mean a calendar month; and the word "oath" shall be deemed to include an affirmation, and the word "sworn" to mean sworn or affirmed.

**POWER OF MAYOR PRO TEM.—CITY MARSHAL AND POLICEMEN.** § 6. When any duty shall be required of or power vested in the mayor, the same shall be deemed to extend to and embrace and may be exercised by the acting mayor, or mayor pro tem., also; and when any duty shall be required of or power vested in the city marshal, the same shall be deemed to extend to and embrace and may be exercised by policemen, unless such construction would be contrary to the terms of the ordinance or in derogation of the city charter.

**RULES OF CONSTRUCTION.** § 7. The rules of construction herein prescribed shall apply in all cases, unless it shall be otherwise expressly provided in the ordinance, or unless there be something in the subject-matter or context thereof repugnant to such construction, and all general terms, provisions, phrases or expressions used in any ordinance shall be liberally construed, in order that the true meaning and intent of the city council may be carried out.

**FINES, ETC., NOT RELEASED BY REPEAL OF ORDINANCE.** § 8. No fine, forfeiture, penalty, right, action, suit, debt or other liability whatever, created, instituted, incurred or accrued by or under any

ordinance prior to its repeal or modification, shall be released, discharged, amended or repealed, or in anywise affected by the passage of such repealing or modifying ordinance, but the same may be prosecuted, recovered or enjoyed, or any suit or other proceeding commenced or completed thereon as fully and in the same manner in all respects as if such ordinance or part thereof had remained in full force, unless it shall be otherwise expressly provided in the ordinance making such repeal or modification.

**TWO OFFENSES—ELECTION OF PROSECUTOR.** § 9. When any fine or penalty shall be imposed by different ordinances, or sections or clauses of different ordinances, for the same offense, the officer or person prosecuting may choose under which ordinance or section to proceed, and a recovery under the same shall be a bar to any further proceedings under any other provisions for the same offense.

**ENROLLMENT OF ORDINANCES—DUTIES OF CLERK.** § 10. All ordinances passed by the city council shall be enrolled by the city clerk in the record book of ordinances, and shall be properly indexed by their titles or subjects, and he shall, without delay, cause all ordinances required by law to be so published, to be published in the newspaper authorized to publish the ordinances of the city, with his certificate, under the corporate seal attached, that the same is a true and authentic copy of the original ordinance (or ordinances), and that it is printed and published by authority of the city council. He shall procure the affidavit of the printer or publisher of the newspaper publishing the ordinances of the city of the due publication of such ordinance, and attach the same to the original ordinance, or he may write and attest such affidavit, or any other competent proof of such due publication upon the face of the record of ordinances. The city clerk shall file and preserve the originals of all ordinances in his office, and he may correct any errors in the numbering of any chapter or section of any ordinance and insert the proper numbers; and he may omit words inserted, or supply with brackets words omitted by clerical mistake. He shall attend to the printing of all ordinances requiring publication or ordered to be published, and read the proof-sheets thereof, and see that they are correctly and properly printed and published.

**OLD ORDINANCES IN FORCE.** § 11. All ordinances now in force in the city of Danville, and not inconsistent with these, the revised ordinances, shall remain in force under these ordinances until altered, modified or repealed by the city council, after these, the revised ordinances, shall take effect. All ordinances or parts of ordinances in conflict with these revised ordinances, or any chapter or section thereof, are hereby repealed.

## CHAPTER XXVII.

## PARKS.

## SECTION.

1. Committee on public grounds, etc., to have charge.
2. Entering parks, etc.—climbing on fences.
3. Turning animals into park, etc.
4. Firearms—shooting—fireworks prohibited.
5. Injury to trees, grass, buildings.
6. Selling, hawking, peddling, etc., forbidden.
7. Bathing, fishing, etc., prohibited.
8. Abusive, profane language, etc., prohibited.
9. Gaming, etc., prohibited.
10. Intoxicated persons, indecent or unlawful acts.
11. Fires in parks forbidden.
12. Carriage on turf, etc.—hitching horses to trees, etc.
13. Throwing stones, rubbish, etc., in parks.
14. Posting bills, etc., forbidden.

COMMITTEE ON PUBLIC GROUNDS, ETC., TO HAVE CHARGE OF PARKS. § 1. It shall be the duty of the committee on public grounds and buildings to superintend all inclosed public grounds or parks in said city, and keep the fences thereof in repair, the walks in order, the trees properly trimmed, and to improve the same according to plans approved by the city council.

PENALTY FOR LEAVING PARK EXCEPT AT GATEWAYS—CLIMBING ON FENCE, ETC. § 2. Whoever shall enter or leave any of the public parks of this city except by their gateways, or shall walk or climb upon any of the fences inclosing or in the same, shall be fined not less than one dollar, nor more than ten dollars for each offense.

TURNING ANIMALS INTO PARK PROHIBITED. § 3. Whoever shall turn any cattle, horses, goats, swine or other animals into any park of said city, or permit the same, or any of them, to run therein, shall be fined not less than three dollars, nor more than fifty dollars for each offense.

FIREARMS AND FIREWORKS FORBIDDEN. § 4. Whoever shall carry any firearms into said parks, or shall fire off or discharge the same in or into said parks, or any of them, or whoever shall shoot, fire or discharge any kind of fireworks therein, shall be fined not less than one dollar, nor more than one hundred dollars for each offense.

INJURY TO TREES, GRASS, BUILDINGS, ETC. § 5. Whoever shall cut, break or injure in any way any tree, shrub or plant in any such park, or shall cut, tramp or injure in any way the turf or grass

therein, or shall walk or lie upon the grass at any place where placards are posted directing persons to keep off, or not to walk on the same, or shall cut, mark, deface or in any way injure any of the buildings, fences, bridges or other constructions or property of any kind in any such park, shall be fined not less than one dollar, nor more than one hundred dollars for each offense.

**SELLING, HAWKING OR PEDDLING FORBIDDEN.** § 6. Whoever, not having a license so to do, shall sell, or offer to sell, any article or thing in any such park, or shall hawk or peddle any article or thing therein, or attempt so to do, shall be fined not less than three dollars, nor more than one hundred dollars.

**BATHING, FISHING, ETC., PROHIBITED.** § 7. Whoever shall bathe, fish in, or ride or drive any animal in the waters of any such park, or throw any rubbish or garbage or other thing into any stream or waters of such park, shall be fined not less than three dollars, nor more than ten dollars.

**ABUSIVE LANGUAGE, ETC.** § 8. Whoever shall use any threatening, abusive, insulting, profane or indecent language in any part of any such park, shall be fined not less than three dollars, nor more than one hundred dollars.

**GAMING, ETC., PROHIBITED.** § 9. Whoever shall gamble for money or other valuable thing, or anything representing or intended to represent money or other thing of value, or shall play at any game of chance, or at or with any table, instrument or device of gaming, in any part of any such park, shall be fined not less than five dollars, nor more than two hundred dollars for each offense.

**INTOXICATED PERSONS—INDECENT OR UNLAWFUL ACTS.** § 10. Whoever shall be found in any such park in an intoxicated condition, or shall resort to such park for any indecent or unlawful purpose, or shall be guilty of any indecent, obscene, vulgar, improper or unlawful act while there, shall be fined not less than five dollars, nor more than two hundred dollars.

**FIRES IN PARKS PROHIBITED.** § 11. Whoever (except employees or laborers in such parks) shall light or make any fire in said parks, shall be fined not less than three dollars, nor more than one hundred dollars.

**DRIVING CARRIAGES, ETC., ON TURF—HITCHING HORSES TO TREES.** § 12. Whoever shall drive any carriage or vehicle of any kind, or any horse or other animal, upon the grass, lawn or turf of

any such park, or shall hitch a horse to any of the shrubs or trees therein, shall be fined not less than one dollar, nor more than fifty dollars for each offense.

THROWING STONES, RUBBISH, ETC., IN PARKS. § 13. Whoever shall throw any stones into or in such parks, or shall throw or place any rubbish or garbage of any kind therein, or shall leave or place any bottle, cans, paper or scraps of any kind therein, shall be fined not less than one dollar, nor more than twenty-five dollars for each offense.

POSTING BILLS, ETC., FORBIDDEN. § 14. Whoever shall post or otherwise affix any bills, notice or other paper upon any fence, tree, bridge, building or other structure therein, shall be fined not less than three dollars.

## CHAPTER XXVIII.

### PAWNBROKERS.

#### SECTION.

1. Pawnbroker defined—license required, etc.
2. Mayor may grant license—rate—bond.
3. Pawnbroker's book.
4. Property of minors, stolen property, etc.—intoxicated persons, etc.
5. Time of receiving property.
6. Other business forbidden.
7. Inspection of premises and property.
8. Principal liable for violations of clerks, etc.\*

PAWNBROKER DEFINED—LICENSE—PENALTY. § 1. Whoever shall loan money on deposit or pledge of personal property, or shall carry on the business of purchasing such property on the condition of selling the same back at a stipulated price, without taking a chattel mortgage thereon, duly executed and recorded, as required by law, shall be deemed to be a pawnbroker within the meaning of this chapter; and any person who shall pursue or carry on the business of a pawnbroker in said city without first having obtained a license therefor, and executed a bond, as hereinafter provided, shall be fined not less than twenty-five dollars, nor more than two hundred dollars for each offense.

MAYOR MAY GRANT LICENSE—RATE—BOND. § 2. The mayor may from time to time grant licenses to such persons as shall produce to him satisfactory evidence of good character, to carry on the busi-



ness of pawnbroker. Pawnbrokers shall pay for a license at the rate of fifty dollars per year; no such license, however, shall extend beyond the municipal year. Every such applicant for a license shall, before receiving the same, execute to the city a bond in the penal sum of three thousand dollars, with two or more good and sufficient sureties, residents of the city, which bond shall be conditioned for the strict observance of all ordinances of the city respecting pawnbrokers as may be passed or in force at any time during the existence of the license, and further conditioned that he will pay all damages resulting to any person by reason of his wrongfully purchasing or taking in pledge any stolen property, or the property of any minor.

PAWNBROKER'S BOOK—INSPECTION OF BOOK. § 3. Every pawnbroker shall keep a well bound book, suitably ruled for the purposes herein designated, in which shall be legibly written in ink, at the time of each loan or purchase, an accurate account or description in the English language, of the goods, article or thing pawned, pledged or purchased, the amount of money loaned thereon or paid therefor, the time the same was pledged, pawned or purchased, the rate of interest to be paid on such loan and the name and residence of the person pawning, pledging or selling the goods, article or thing. No entry made in such book shall be erased, obliterated or defaced. The said book shall, at all reasonable times, be open to the inspection of the mayor, marshal or any police officer of the city. Any person violating this section or any part thereof, shall be fined not less than twenty-five dollars, nor more than two hundred dollars for each offense, and shall forfeit his license in the discretion of the mayor.

PROPERTY OF MINOR—STOLEN PROPERTY, ETC. § 4. Any pawnbroker who shall purchase, take or receive in pledge, or on deposit, any article or property of or from any minor, or being owned by a minor, or any stolen property, or any person known to be a notorious thief, or any property which from any cause he may have reason to believe cannot be lawfully or rightfully pawned, pledged or sold, by the person offering it, or from any person intoxicated, shall, in either case, be fined not less than ten dollars, nor more than one hundred dollars, and shall in addition thereto forfeit his license.

TIME OF RECEIVING PROPERTY. § 5. No pawnbroker shall purchase, take or receive, on pledge or deposit, any article of property, after the hour of ten o'clock in the evening, or before the hour of seven o'clock in the morning, under a penalty of not less than ten dollars, nor more than one hundred dollars.

OTHER BUSINESS FORBIDDEN. § 6. No person licensed as aforesaid shall carry on any other business or avocation, directly or indirectly, in the same building, or in any building adjoining the place or building in which he or she may be licensed to carry on the business of pawnbroker.

INSPECTION OF PREMISES AND PROPERTY. § 7. Every pawnbroker shall, at all reasonable times during business hours, allow the mayor, city marshal, or any policeman of the city, to enter the place of business of such person, and examine and inspect the stock or property on hands in such place of business, or search the said premises for stolen property, or make such examination of the same, as such officer may desire in the discharge of his official duty. Any person who shall refuse to permit such officer to make such search or inspection, or shall hinder or obstruct him in making the same, or shall refuse to show such officer any property, article or thing in the possession of such pawnbroker, when requested so to do by such officer, shall, in either case, be fined not less than ten dollars, nor more than one hundred dollars for each offense, and shall forfeit his license in the discretion of the mayor.

VIOLATIONS OF ORDINANCE BY CLERK—PRINCIPAL LIABLE. § 8. Every licensed pawnbroker shall be subject to any of the penalties prescribed in this chapter for a violation of the same, or any part thereof, whether such violation is done by himself, or by his clerk, agent or employee; and such clerk, agent or employee of any such licensed pawnbroker who shall violate this chapter, or any part thereof, shall also be subject to the same penalty herein prescribed for such violation when done by a licensed pawnbroker.

## CHAPTER XXIX.

## PEDDLERS.

## SECTION.

1. Peddler defined.
2. Peddling without license—penalty.
3. License fees.
4. Persons may sell produce, etc., without license.
5. Peddler not to enter house without permission.
9. Discretion of mayor in cases of charity.

**PEDDLERS DEFINED.** § 1. The selling of goods, wares, merchandise or other articles, or the offering of the same for sale, by any person transiently or temporarily in the city for the purpose of selling or disposing of the same at retail, whether in any room or building used as a temporary place of business, or at any stand, uninclosed place or other place of any kind, and the selling of goods, wares, merchandise or other articles of value, or the offering of the same for sale at retail, by any person traveling or going about from place to place within the city, on foot or in a vehicle of any kind, or whether such person resides or does business within said city or not, shall be deemed peddling, and the person so engaged in such selling, or offering to sell, as aforesaid, shall be deemed a peddler, and subject to the provisions of this chapter: *Provided, however,* This section shall not apply to grocers, milkmen, butchers or other resident merchants, selling or delivering merchandise or other articles to their customers or patrons.

**PEDDLING WITHOUT LICENSE—PENALTY.** § 2. Whoever shall peddle, or attempt to peddle, goods, wares, merchandise or other articles of value, without first obtaining a peddler's license, shall be fined not less than five dollars, nor more than one hundred dollars for each offense.

**LICENSE FEES.** § 3. Licenses granted under this chapter shall be charged for at the following rates:

For a license to sell by foot peddlers, not less than one and not more than five dollars per day.

For peddlers using a one-horse vehicle, not less than two nor more than ten dollars per day.

For peddlers using a two-horse vehicle, not less than five and not more than fifteen dollars per day.

For peddlers located temporarily or transiently in a room, not less

than ten dollars, nor more than fifty dollars per day, to be determined by the mayor.

For peddlers or persons selling at any stand or uninclosed place, not less than one dollar, nor more than five dollars per day, to be determined by the mayor.

PERSONS MAY SELL PRODUCE, ETC., WITHOUT LICENSE. § 4. No license shall be required of any person or persons to sell vegetables, or other product of the farm or garden, nor shall any license be required to sell fruits, cakes, nuts, or other like refreshments, when sold by any resident of the city.

PEDDLERS NOT TO ENTER HOUSE WITHOUT PERMISSION. § 5. No peddler shall vex, annoy or harass any person by importuning such person to purchase or look at his goods, or otherwise vex and annoy any person, nor shall any person enter any private house without being invited to go in, under a penalty of not less than three dollars, and not exceeding one hundred dollars for each offense, and a forfeiture of his license, in the discretion of the city council or the police magistrate or other court before whom conviction may be had; and at no time thereafter shall such person be licensed, unless, for good cause shown, the city council shall revoke his disability.

DISCRETION OF MAYOR IN CASES OF CHARITY. § 6. Whenever, in the judgment of the mayor, it would be a proper charity to allow any sick, crippled or helpless person, or any person in poverty or distress, to sell or peddle notions or other like property, without requiring the license fee herein charged to be paid, the mayor may grant such person a permit to sell, free of charge, such permit to be revoked at any time, in the discretion of the mayor.

## CHAPTER XXX.

## POLICE DEPARTMENT.

## SECTION.

1. Police department shall consist of whom.
2. Appointment of policemen.
3. Bond and oath of policemen.
4. Duties of mayor.
5. Duties of city marshal.
6. Marshal custodian of property.
7. Reports of city marshal.
8. Absence of marshal.
9. Day and night force, beats, etc.
10. Captain of night police, turnkey, etc.
11. Police record.
12. Special police.
13. Temporary police.
14. Duties of police.
15. Power to arrest, serve warrants, etc.
16. Search warrant.
17. Neglect of duty, etc.
18. Causes for removal.
19. Trial of persons arrested—continuance—bail.
20. Arrest at night.
21. Prisoners drunk when arrested.
22. Statement to be filed.
23. Arrest without warrant.
24. Bail.
25. Officers as witnesses.
26. Witness and jury fees.
27. Malicious suits—costs, etc.
28. Commitment—labor of prisoners.
29. Refusing to labor.
30. Discharge of prisoners.
31. Report of labor performed.
32. Payment of fines into treasury—magistrate's report.
33. Falsely representing to be an officer.
34. Resisting officer.
35. Rescue of prisoners.
36. Re-arrest of escaped prisoners.
37. Posse comitatus.
38. Uniforms of police.

POLICE DEPARTMENT SHALL CONSIST OF WHOM. § 1. The police department of the city shall consist of the mayor, the aldermen, police magistrates, city marshal, and such policemen and watchmen as may be appointed by the mayor and city council.

APPOINTMENT OF POLICEMEN. § 2. The mayor shall, at the beginning of each municipal year, or within a reasonable time thereafter, and by and with the consent of the city council, appoint such

a number of policemen as the city council shall by ordinance or resolution authorize, who shall be duly commissioned as other city officers are by law required.

**BOND AND OATH OF POLICEMEN.** § 3. Each policeman or watchman shall, before entering upon the duties of his office, take and subscribe to the same oath required of other city officers, and shall also execute a bond, payable to the city, with security to be approved by the city council, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, and the payment of all moneys received by him, according to law and the ordinances of said city.

**DUTIES OF MAYOR.** § 4. The mayor shall exercise a general supervision and control over the police department, and shall see that the various police officers are prompt and efficient in the discharge of their duties, and he shall from time to time take such measures for the preservation of the public peace and good order, and for the prompt and efficient execution of the laws of the state and the ordinances of the city as may be deemed most expedient and the best to accomplish the purpose contemplated.

**DUTIES OF CITY MARSHAL.** § 5. The city marshal shall be the commanding officer of the entire police force of the city, subject only to the mayor, or the city council in session. He shall devote his whole time to the discharge of his duties, and shall see that the laws and ordinances are enforced, so far as possible, by the force under his command. He shall assign to all policemen or patrolmen their different beats or districts, and their respective hours of duty, and shall see that they are on duty during the whole time of their watch.

**MARSHAL CUSTODIAN OF PROPERTY.** § 6. The city marshal shall be the custodian of all property provided by the city for the use of the police department. He shall also be the custodian of all stolen goods or other property received and retained under the police authority.

**REPORTS OF CITY MARSHAL.** § 7. The city marshal shall make to the city council, at each regular meeting thereof, a report in writing of the doings of his department during the preceding month. Said report shall set forth the number of arrests, by whom made, and on what charges; the number of prosecutions for the recovery of fines, before what magistrate brought, how disposed of, the amount of fines and costs assessed, and the amount collected in money or labor, together with a statement of all property received by him during the month by virtue of his office.

**ABSENCE OF MARSHAL.** § 8. The city marshal shall not absent himself from the city without permission of the mayor; and in case of such absence the mayor shall designate some member of the police force to assume the duties of marshal, who shall be the acting city marshal, and shall possess all the power and authority of the city marshal.

**DAY AND NIGHT FORCE, BEATS, ETC.** § 9. The city marshal shall divide the police force into two classes, to be respectively known as the day and night force. In making such division, provision may be made for the interchanging of the different members of the force from one class to the other, as he may deem best. He shall also locate and establish beats and stations throughout the city to be occupied by the different members of the force when on duty, and shall fix the hours of duty for each relief or class. He shall also report his action under this section to the city council, and the same shall be subject to the approval thereof.

**CAPTAIN OF NIGHT POLICE, TURNKEY, ETC.** § 10. The mayor shall designate one member of the police force as captain of the night police, who shall perform the duties of a regular policeman, but shall be the officer in charge of the night force, subject to the orders of the mayor and marshal. The mayor shall also designate one of the members of the fire department as turnkey, who shall be the officer in charge of the police station and city prison. He shall remain at the police station during the day, and such hours of the night as may be designated by the city marshal, under the preceding section. He shall have charge of the city pound and the prisoners in the city prison, and shall attend to their wants and necessities. It shall be his duty to answer and attend to all calls for police service in the neighborhood of his station when there is no other police officer at the station. And such turnkey shall give the bond and take the oath required of policemen, and shall have all the powers of a policeman. Such turnkey shall be exempt from the duty of a fireman, except in case of fire, which he shall attend as other firemen. In case of fire, the duties of the turnkey and poundkeeper shall be performed by any policeman detailed therefor, during the absence of such turnkey, by the mayor, marshal or night captain. Such turnkey shall not be entitled to any additional compensation by reason of his services as turnkey and poundkeeper.

**POLICE RECORD.** § 11. The city marshal shall provide a suitable police record, which shall be kept at the police station, and in which each officer making an arrest shall enter the name of the person arrested, where arrested, on what charge, what property, if



any, was taken or found on such person, and how disposed of, and shall also record his own name as the officer making the arrest.

**SPECIAL POLICE.** § 12. The mayor may, by and with the consent of the city council, and upon the application of any corporation, association, firm or individual, appoint any suitable person in the employ of such applicant, a special policeman in and for said city; such special policeman shall, before entering upon the duties of his office, take the same oath, and execute a bond to the city in the same amount, and with like conditions as required of other police officers, except, that in such commission, he shall be designated as a special policeman. Such appointment shall not extend beyond the municipal year, and when such special policeman has been duly qualified as aforesaid, he shall possess all the power and be obeyed the same as members of the regular police force: *Provided*, such special policeman shall not receive any compensation from the city for his services. The mayor may revoke such appointment at any time he may deem proper.

**TEMPORARY POLICEMEN.** § 13. Whenever it may be deemed necessary for the preservation of public order or private or public property, the mayor, by and with the advice of the city council, may appoint such a number of temporary policemen as the city council may direct, to serve for such period as the council may determine. Such policemen shall take the same oath as required of other officers, and give a bond in the sum of three hundred dollars, conditioned as by law required, with surety to be approved by the mayor. They shall also be commissioned the same as other policemen; and when so qualified, they shall possess the same power, perform the same duties, and be subject to the same obligations as the regular police force. Such policemen shall receive such compensation as may be agreed upon, or as may be provided by the city council.

**DUTIES OF POLICEMEN.** § 14. The several members of the police force, when on duty, shall devote their time and attention to the discharge of the duties of their office according to the ordinances of the city, and the rules and regulations of the police department. They shall, to the best of their ability, preserve order, quiet and peace throughout the city, and enforce all the ordinances of the city. Every policeman shall report to the marshal or mayor, all persons known or suspected to be gamblers, receivers of stolen goods, thieves burglars or disorderly persons, and also all unlawful or disorderly houses or places, within said city, coming to his knowledge, as well

as all violations of the laws of the state, or the ordinances of the city, reported to him or of which he may be cognizant; and when it shall come to the knowledge of any policeman that any city ordinance has been violated, such member shall forthwith cause a complaint to be made before a police magistrate, or justice of the peace within the city, and the proper witnesses to be subpoenaed and evidence procured for the successful prosecution of the offender.

**POWER TO ARREST—SERVE WARRANTS, ETC.** § 15. The city marshal and each policeman of said city shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city of Danville, or any criminal law of the state of Illinois, or found under suspicious circumstances and unable to give a satisfactory account of their doings, and may commit such persons so arrested for examination, and if necessary detain them in custody over night or Sunday in the city prison or other safe place, or until they can be brought before the proper magistrate. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of said city by any policeman thereof. [See laws, 1883, state of Illinois.]

**SEARCH WARRANT.** § 16. Whenever the city marshal or any police officer is satisfied that there is reasonable cause for searching any house, building, apartment, room or place, for property that has been stolen, embezzled, or fraudulently obtained by false tokens or pretenses; or for counterfeit or spurious money, or tools, machinery or materials for making the same; or for gaming apparatus, or implements used or kept and provided to be used in unlawful gaming, it shall be the duty of the marshal, or policeman, to swear out a search warrant for the search of such premises, as by the statutes of the state of Illinois provided.

**NEGLECT OF DUTY.** § 17. Any member of the police force who shall neglect or refuse to perform any duty required of him by the ordinances of the city, or the rules and regulations of the police department, or who shall, in the discharge of his official duties, be guilty of any fraud, extortion, oppression, favoritism or willful wrong or injustice, shall forfeit and pay a penalty of not less than five dollars, nor more than one hundred dollars, and shall be subject to removal from office.

CAUSES FOR REMOVAL. § 18. The following offenses shall be deemed sufficient causes for removal of any member of the police force :

*First.* Disobedience of the orders of mayor, city council or marshal.

*Second.* Drunkenness.

*Third.* Holding familiar conversation on the streets with prostitutes, or associating with rowdies or gamblers.

*Fourth.* Violent, insolent or abusive language to a superior officer, or to any citizen, resident or stranger.

*Fifth.* Drinking intoxicating liquor, wine or beer, while on duty, or entering any saloon, gambling house, or house of ill-fame, while on duty, except in the discharge of the duties of his office.

*Sixth.* Accepting or receiving from any person, while in custody, or after he shall have been discharged, or from any of such person's friends, any gratuity, gift, pay or reward.

*Seventh.* Communicating to any person any information which may lead to the escape from arrest or punishment of persons accused of any crime, misdemeanor, or violation of any city ordinance.

*Eighth.* Leaving the city without permission, in writing, from the mayor, unless in pursuit of offenders fleeing from arrest.

*Ninth.* Leaving his beat or post, during his hours of duty, except in the discharge of the duties of his office ; or going to sleep during his hours of service.

*Tenth.* Charging or receiving any fee or compensation, other than his legal salary, or receiving or accepting any present or reward for police services rendered, or to be rendered, unless with the written permission of the mayor, first had and obtained.

*Eleventh.* Refusing to pay his just debts and obligations.

TRIAL OF PERSON ARRESTED — CONTINUANCE — BAIL. § 19. Whenever any person shall be arrested for any offense, it shall be the duty of the police officer making the arrest, to take the prisoner to the police headquarters, and a record of the arrest shall be made in the book kept for that purpose. If any police magistrate is at his office, the prisoner shall be immediately taken before such magistrate, and if the city and the prisoner are both ready, a trial may at once be had ; but either party may have a continuance for a reasonable time to procure witnesses, or for other good cause shown ; and the prisoner shall enter into a recognizance, with surety to be approved by the magistrate, for his appearance at the time of trial ; and in default of such recognizance, he shall be confined to the city calaboose until the time fixed for trial, and until the further order of the court.

**ARRESTS AT NIGHT.** § 20. All prisoners arrested in the night time, or at any other times when no police magistrate's court shall be open, shall be taken to police headquarters, and a like record made as before provided, and the prisoner shall be confined in the city calaboose until the next morning, or until a trial can be had, or, if arrested on Saturday night, or on Sunday, then he shall be confined as aforesaid until Monday morning, when the prisoner shall be taken before a police magistrate and a trial had, or the case continued as provided in the preceding section.

**PRISONER DRUNK WHEN ARRESTED.** § 21. Whenever any person arrested for any offense shall, at the time of his arrest be drunk or intoxicated, the officer making the arrest shall take such person to the police headquarters and confine him in the calaboose until he shall become sober; and he shall then be taken before a police magistrate for trial as provided in other cases.

**STATEMENT TO BE FILED.** § 22. When any suit for violation of any of the city ordinances shall be commenced by summons before any police magistrate, or justice of the peace, the city attorney, or some other officer of the city shall file a statement signed by him, substantially as follows, viz:

A. B., To the City of Danville, Dr.

To.....dollars, for a violation of the.....section (or sections) of an ordinance of the city of Danville, entitled [here set forth the title of the ordinance], passed on the.....day of.....A. D. 18....., [or of the city charter, as the case may be], in this, to-wit: That the said A. B., on or about the.....day of.....A. D. 18....., before the commencement of this suit, did, at the city of Danville (or within the jurisdiction of said city), [here state the particular violation or violations complained of, as near as may be, in the language of the ordinance or the city charter].

(Signed)

C. D.

**ARRESTS WITHOUT WARRANT.** § 23. Whenever any person shall be lawfully arrested without a warrant, and brought before a magistrate for trial, no process shall be necessary, but the statement required by the preceding section hereof shall be made and filed as therein provided, and the magistrate before whom such person is brought shall enter the case on his docket as in other cases.

**BAIL.** § 24. Any person who may be arrested by, or in the custody of any officer, for the violation of any ordinance of the city, may release himself from custody or imprisonment by entering into bail or recognizance before such officer or before any police magistrate, in such amount or with such surety or sureties as may be required of him, and conditioned that he will appear before the

police magistrate or court named therein, at the time named, and remain and answer the offense with which he stands charged, and await his trial thereon, and not depart the court without leave. The amount of the penalty of the bond or recognizance shall be proportioned to the offense charged, and such bond or recognizance shall be filed with the magistrate or court named therein, by the officer taking the same, and if the offender shall fail to appear, or shall otherwise fail to comply with the conditions thereof, the same shall be adjudged forfeited, and suit shall forthwith be brought thereon against the offender and his surety or sureties, for the full amount of the penalty thereof, and judgment shall be rendered by the court for the same and all costs, or for so much of said penalty as may be adjudged just and proper, upon examination of the facts of the case.

**OFFICERS AS WITNESSES.** § 25. All officers making arrests shall attend as witnesses before the police court, and shall procure all necessary evidence in their power, and furnish a list of all witnesses to the court or to the city attorney.

**WITNESS AND JURY FEES.** § 26. Witnesses (except officers) and jurors attending before any police magistrate in any suit or action for any fine or penalty arising under the ordinances of the city shall, in case judgment is obtained against the offender and collected from him, be entitled to the same fees as in like cases before justices of the peace. But no costs of any kind shall be taxed against or collected of the city.

**MALICIOUS SUITS—COSTS AGAINST PROSECUTOR.** § 27. The city attorney shall not be compelled to bring or prosecute any suit in any case where he and the court may be satisfied that the complaint is instituted maliciously or vexatiously, and without any probable cause, and that the interests of the public or of the city will not be subserved thereby. And if any person charged with any offense shall, upon his trial therefor, be acquitted, and it shall satisfactorily appear to the court that the complaint or prosecution was instituted maliciously or vexatiously, and without probable cause, judgment may be rendered against the complainant or prosecutor for the costs arising in the case, and execution issued for the collection of the same.

**COMMITMENT—LABOR BY PRISONERS, ETC.** § 28. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail, calaboose or other prison, until such fine, penalty and costs shall be fully paid: *Provided*, That no such

imprisonment shall exceed six months for any one offense. Every person so committed shall work for the city, under the direction of the police, upon the streets or alleys thereof, or at such other labor or employment as may be provided by the city council, within or without such prison, such labor suitable to the health or strength of such person, and not to exceed ten hours each working day. For such work the person so employed or worked shall be allowed two dollars per day, exclusive of his or her board, which sum shall be credited upon the fine and costs.

**REFUSING TO LABOR.** § 29. Any person so committed, who shall refuse to labor, or who shall conduct himself in a riotous manner, or shall refuse to obey the orders of the officer of the city having him in charge, or shall resist him or attempt to escape, shall not be entitled to any credit on his fine, and may be re-committed to the county jail, or other place of confinement, and fed upon bread and water until he shall consent to labor.

**DISCHARGE OF PRISONERS.** § 30. Any person committed may, at any time, pay the amount of the execution and costs, and upon the payment being made, or upon his working out the amount of the fine and costs against him, or otherwise being entitled to his discharge, the marshal or other officer having him in custody shall, if required, give him a written discharge and set him at liberty.

**REPORT OF LABOR PERFORMED.** § 31. The marshal or other officer having any person in his custody for labor, as herein provided, shall, from time to time, report to the city council, in writing, the names, the amount of the fine, and the number of days worked.

**PAYMENT OF FINES INTO TREASURY—MAGISTRATE'S REPORT.** § 32. Any police magistrate or other officer collecting fines or moneys on account of the city shall pay the same into the city treasury as fast as collected. The police magistrate before whom any suit or suits may be brought in the name of the city, for the recovery of any fines or penalties, shall quarterly, on the first Thursday of March, June, September and December in each year, report to the city council a list of all suits brought in the name of the city since his last report, with the disposition made of each case, the amount of the fine imposed, if any, the name of the officer charged with the collection of the same, by whom and the amount collected; also the amount collected since his last report upon any judgment for any fine rendered prior to such report. If any police magistrate shall neglect or refuse to hold a police court at any reasonable time when required, or shall neglect or refuse to pay over any moneys collected



by him, or make his quarterly report, as herein required, the city council may order all suits in the name of the city, for the recovery of any fine or penalty, to be brought before some other police magistrate or justice of the peace, who shall agree to comply with the requirements hereof, and before whom all suits in the name of the city, for the recovery of any fine, forfeiture or penalty, shall be brought. If any police magistrate or other officer shall neglect or refuse to pay over any fine or any moneys collected by him on account of the city, legal proceedings may be commenced at any time to compel such payment.

**FALSELY REPRESENTING TO BE AN OFFICER—PENALTY.** § 33. Whoever shall falsely represent himself to be an officer of this city, or shall, without authority, exercise or attempt to exercise any of the powers, duties or functions of any city officer, shall be subject to a penalty of not less than ten dollars, and not exceeding one hundred dollars for each offense.

**RESISTING AN OFFICER.** § 34. Whoever shall willfully hinder, delay, resist or obstruct any city officer, or any person legally authorized by him, in the discharge of his duty, or shall aid, abet or encourage any such hindering, delaying, resisting or obstructing, or shall neglect or refuse to obey any lawful order or directions of any such officer, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars for each offense.

**RESCUING PRISONERS, ETC.** § 35. Whoever shall rescue or attempt to rescue, or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge; or shall molest or interfere with any officer or other person so legally having any person in custody; or shall aid, abet or encourage the rescue or escape or the attempt to escape from any prison of any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means to escape, or for attempt to escape, or with any intoxicating liquor, shall, in each case, be subject to a penalty of not less than twenty-five dollars, and not exceeding one hundred dollars for each offense.

**RE-ARREST OF ESCAPED PRISONERS.** § 36. Whenever any person who shall escape from any prison or place of confinement to which he has been legally committed, or shall escape from any officer or other person having him in custody, it shall be the duty of the marshal and all police officers to re-arrest, without process, the party so escaping, whenever he may be found, and re-commit him to



prison or deliver him into the custody of the officer or person from whom he escaped.

POSSE COMITATUS. § 37. Any police officer may call upon any male person above the age of eighteen years to aid him in the arrest, retaking or custody of any person having committed any unlawful act, or to aid in preventing the commission of any unlawful act; and whoever shall neglect or refuse to give such aid and assistance, when so required, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars for each offense.

UNIFORMS OF POLICE. § 38. The committee on police of the city council shall make suitable regulations under which the policemen of the city shall be required to wear any appropriate uniform and badge, subject to the approval of the city council.

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## CHAPTER XXXI.

### PUBLIC LIBRARY.

#### SECTION.

1. Prohibits disturbance—penalty.
2. To leave library on request—penalty.
3. Prohibits loitering on stairway—penalty.
4. Return of books—fines—penalty.
5. Mutilating books, etc.
6. Persons not entitled to privileges to remain away.
7. Taking property from without right.

PROHIBITS DISTURBANCES—PENALTY. § 1. Any person who shall, while in the rooms of the public library, create any disturbance, or who shall be guilty of any conduct calculated to annoy or disturb others in said room, and who shall not cease said conduct when requested so to do by the librarian, or other person in charge of said room, shall be fined not less than one dollar, nor more than one hundred dollars.

TO LEAVE LIBRARY ON REQUEST—PENALTY. § 2. Any person being in said library rooms, who shall not, when requested to leave the same by the librarian, or other person in charge of said rooms, peacefully and quietly leave said rooms, shall be fined not less than one nor more than one hundred dollars.

PROHIBITS LOITERING ON STAIRWAY—PENALTY. § 3. It shall not be lawful for any person or persons to loiter or sit upon the stairway leading to said library rooms, and any person so found loitering or sitting upon said stairway shall be fined not less than one nor more than one hundred dollars: *Provided*, That this section shall not take effect until there has been placed in said stairway, in a conspicuous place, a notice that loitering or sitting upon said stairway is prohibited.

RETURN OF BOOKS—FINES—PENALTY. § 4. Any person who shall fail to return any book or books, taken by him or her from the public library, at the time when, by the rules of said library, the same should be returned, and who shall not promptly pay the fines provided for by the rules and regulations governing said library, as the same have been or may be established by the board of directors of said library, shall be fined in any sum not less than one nor more than one hundred dollars: *Provided*, That no fines under this ordinance shall be less than the amount of fines due under said rules and regulations of said board of directors.

MUTILATING BOOKS, ETC. § 5. Any person who shall willfully or maliciously deface, destroy, mutilate or injure any book, pamphlet or paper belonging to said public library, shall be fined not less than three dollars, nor more than one hundred dollars for each offense.

PERSONS NOT ENTITLED TO PRIVILEGES TO REMAIN AWAY. § 6. Any person who shall not be entitled to the privileges of the public library, who shall persist in visiting the same after being notified to remain away therefrom, shall be fined not less than three nor more than one hundred dollars for each offense.

TAKING PROPERTY FROM, WITHOUT RIGHT. § 7. Any person who shall take or remove from said library rooms any article without the consent of the librarian, or person in charge of said rooms, shall be fined not less than one nor more than one hundred dollars for each offense.

## CHAPTER XXXII.

## RAILROADS.

## SECTION.

1. Speed of cars.
2. Cars obstructing street.
3. Locomotive whistle.
4. Railroad crossings—bridges.
5. Neglect to build after notice.
6. City may build crossings, etc.
7. Flagmen, bars, gates, etc.
8. Lights on cars at night.
9. Penalty.

**SPEED OF CARS, ETC.** § 1. No railway company, railroad engineer, railroad conductor or other person shall run any locomotive, freight or passenger car, or any train of cars, upon or along any railroad track, side-track or switch within the corporate limits of the city of Danville at a greater rate of speed than ten miles an hour.

**CARS OBSTRUCTING STREET.** § 2. No railway company, railroad engineer, train conductor or other person shall cause or allow any locomotive, car or cars, or train of cars to stop in or remain upon any street or railroad crossing within said city for a longer period than ten minutes: *Providd, however,* It shall be lawful for a train of cars to remain across said streets if the same shall be uncoupled, cut or separated in such manner as to allow free and safe passage over such crossing for teams and foot passengers.

**LOCOMOTIVE WHISTLES.** § 3. No railway company, locomotive engineer or fireman shall cause or allow the whistle of any locomotive engine to be sounded within the corporate limits of said city, except necessary brake-signals, and such as may be absolutely necessary to prevent injury to persons, or other casualty or accident.

**RAILROAD CROSSINGS AND BRIDGES.** § 4. All railroad companies whose tracks now or may hereafter enter or pass through the corporate limits of the city, shall respectively construct, repair and maintain good, safe and sufficient culverts, crossings and bridges, with good and easy approaches thereto, on all public alleys, streets, sidewalks and highways where their respective tracks pass under, across or over any alley, street or highway within said city.

**NEGLECT AFTER NOTICE—PENALTY.** § 5. Whenever any crossing, culvert or bridge shall be needed upon the line of any railroad

within the city, or shall need repairing, it shall be the duty of the mayor to give such company fifteen days' notice, in writing, of the work to be done, and the place where required; and any railroad company neglecting or refusing to construct or repair any crossing, culvert or bridge, after having received fifteen days' notice so to do, shall be fined not less than ten dollars, nor more than fifty dollars for each day of such neglect or refusal.

**CITY MAY BUILD CROSSING AND RECOVER COST. § 6.** In case of the failure or refusal of any railroad company to construct or repair any crossing, culvert or bridge, when duly notified by the mayor so to do, as provided in section 5 hereof, the city council may order such crossing, culvert or bridge to be constructed or repaired, as may be needed, at the expense of the city, and such company shall be liable to the city, in an action of debt, for the cost thereof.

**FLAGMEN, BARS, GATES, ETC. § 7.** All railroad companies, corporations or persons operating any line of railway, whose track or tracks cross any of the following named streets in said city: Main, Vernilion, Hazel, North, or South streets, and at all other street crossings when they shall be required so to do by resolution of the city council, shall station, keep and maintain, at their own expense, at each of said street and railroad crossings, a reliable and competent flagman, whose duty it shall be to signal persons traveling in the direction of any of said crossings, and warn them of the approach of any locomotive, car, train of cars, or other impending danger. In addition thereto, whenever the city council shall deem it necessary to require any railroad company, corporation or persons operating any line of railway, as aforesaid, to provide further protection against injury to persons and property at any such railroad crossing in said city, said city council may by resolution so declare, and direct that any such railroad company shall, within a certain time, to be fixed in said resolution, erect, construct and maintain a sufficient gate or gates, or other efficient protection at such crossing. Within ten days after the passage of said resolution, the mayor shall cause to be served upon such railroad company named in such resolution a certified copy thereof, by leaving the same with any agent, officer or employee of said company. Any railroad company required to erect or construct any such protection as aforesaid, which shall neglect, fail or refuse so to construct the same, within the time specified in said resolution, shall be fined not less than fifty dollars, and shall be subject to a like penalty for each and every ten days after the expiration of the time so fixed for the construction of such protection.

**LIGHTS ON CARS AT NIGHT.** § 8. Every locomotive engine, railroad car or train of cars running in the night-time on any railroad track in said city shall have and keep, while so running, a conspicuous light on the forward end of such locomotive, car or train of cars. If such engine, car or train of cars be backing, it shall have a conspicuous light in the rear car or engine, so as to show in the direction said car is moving.

**PENALTY.** § 9. Any railroad company or railroad corporation who shall, of themselves or by their agents or employees, violate or fail to observe any of the foregoing provisions of this chapter, or any agent, engineer, conductor or other employee of any such railroad company or corporation, who shall violate or fail to observe the same, shall, for each violation or failure to observe the same, where no other penalty is imposed, be fined in a sum not less than three dollars, nor more than two hundred dollars.

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## CHAPTER XXXIII.

### ROLLER SKATING RINKS.

#### SECTION.

1. License required.
2. Amount of license.
3. Penalty.
4. Clerk to issue license.
5. Mayor may revoke license.

**LICENSE REQUIRED.** § 1. It shall be unlawful for any person, persons or corporation to engage in the business of running a roller skating rink or skating school in the city of Danville without first having obtained a license so to do, in accordance with the provisions of this chapter of this ordinance.

**AMOUNT OF LICENSE.** § 2. Every person, persons or corporation who shall hereafter engage in or rent any room or building in said city for the purpose of running a roller skating rink, skating school, or for the purpose of teaching persons how to skate on roller skates shall pay a license fee of fifty dollars per month to said city of Danville, payable in advance for each and every month they shall run said rink.

**PENALTY.** § 3. Any person, persons or corporation running a roller skating rink, skating school or school for learning to skate on

roller skates, without first having obtained a license so to do, under the provisions of this chapter of this ordinance, shall be fined not less than ten dollars, nor more than one hundred dollars for each day said person, persons or corporation engage in or run said roller skating rink or skating school without a license.

CLERK TO ISSUE LICENSE. § 4. It shall be the duty of the city clerk to issue said license upon a payment to him of the above license fee.

MAYOR MAY REVOKE LICENSE. § 5. The mayor or the city council shall have power to revoke any such license, at any time, for any good or sufficient cause, or upon the failure of such person, persons or corporation to comply with any of the city ordinances.

## CHAPTER XXXIV.

### RULES OF CITY COUNCIL.

#### SECTION.

1. Meetings of council.
2. Standing committees.
3. Duties of committees.
4. Streets and alleys.
5. Public grounds and buildings.
6. Fire and water.
7. Finance.
8. Police.
9. Claims.
10. Printing.
11. Markets.
12. Bridges.
13. License.
- 13a. Sewers.
14. Contracts not authorized by council forbidden.
15. Rules of council.

MEETINGS OF COUNCIL—REGULAR AND SPECIAL. § 1. A regular meeting of the city council shall be held on the first Thursday evening of each month during the year. Special meetings may be called by the mayor, or by any three members of the council, whenever, in his or their discretion, it may be deemed necessary; in which event it shall be the duty of the city marshal to cause each member of the council to be personally served with a notice of such special meeting, or by leaving a copy thereof at his usual place of business

or residence. Said notice shall state the object of such meeting, and no business shall be transacted at any special meeting except such as is stated in said notice.

**STANDING COMMITTEES.** § 2. It shall be the duty of the mayor, at the beginning of each year for which members of the city council are elected, to appoint the following named standing committees, the first named member of each committee to be the chairman thereof, and each committee to consist of not less than three members, viz:

*First.* Committee on streets and alleys.

*Second.* Committee on public grounds and buildings.

*Third.* Committee on fire and water.

*Fourth.* Committee on finance.

*Fifth.* Committee on police.

*Sixth.* Committee on claims.

*Seventh.* Committee on printing.

*Eighth.* Committee on markets.

*Ninth.* Committee on bridges.

*Tenth.* Committee on license.

*Eleventh.* Committee on sewerage.

**DUTIES OF STANDING COMMITTEES.** § 3. It shall be the duty of the standing committees to keep a close watch over the affairs of their respective departments, and to promptly investigate and report in writing upon all matters referred to them by the council, and perform such other duties as may be from time to time assigned them.

**STREETS AND ALLEYS.** § 4. The committee on streets and alleys shall have charge of and direct all improvements on public thoroughfares, the opening, laying out, widening, extending and vacating the same, and all additions to the city.

**PUBLIC GROUNDS AND BUILDINGS.** § 5. The committee on public grounds and buildings shall have charge of all buildings and grounds, including the parks, belonging to or occupied by the city, and the preservation, repair and improvement of the same, and shall also have charge of all public cemeteries.



**FIRE AND WATER.** § 6. The committee on fire and water shall have general supervision over the fire department, water supply of the city, and all improvements and machinery belonging thereto, and all matters pertaining to water works.

**FINANCE.** § 7. The committee on finance shall have charge of all matters pertaining to the financial condition of the city; audit and examine the treasurer's report; receive estimates from the other committees for annual appropriations, and prepare and present the annual appropriation bill, and shall report to the council, at each regular meeting thereof, the amount of expenditures made in each regular meeting thereof, the amount of expenditures made in each department of appropriations, and the balance unexpended.

**POLICE.** § 8. The committee on police shall have charge of all matters pertaining to the peace and good order of the city, and the general supervision and direction of all police officers, prisons and work-houses, of the cleansing of the city, the removal and abatement of all nuisances, and the lighting of streets and public buildings.

**CLAIMS.** § 9. The committee on claims shall investigate and examine all claims against the said city which may be referred to them, and report the same back to the council, with their recommendations indorsed thereon in writing, signed by at least two of the committee.

**PRINTING.** § 10. The committee on printing shall have charge of all matters pertaining to printing, and the furnishing of stationery and blanks to the different officers and departments of the city, and the making of contracts pertaining to the same.

**MARKETS.** § 11. The committee on markets shall have charge of all public and private scales, weights and measures; the vending of all commodities in the streets of the city; the weighing of coal and the measurement of wood and lumber, and shall have charge of all matters pertaining to markets.

**BRIDGES.** § 12. The committee on bridges shall have charge and control of all bridges over the Vermilion river, the North Fork and Stony creek, and of such other bridges as may be from time to time committed to the charge of such committee.

**LICENSE.** § 13. The committee on license shall investigate all applications for dramshop license, together with the bonds therefor, and shall examine the sufficiency of such bonds and the sureties thereon, and particularly in regard to the qualifications of applicants, as prescribed by the ordinances, and the fitness and propriety of the

place where the business is to be carried on. Said committee shall also hear and determine any charges made against any dramshop keeper, unless otherwise especially ordered by the council.

**SEWERAGE.** § 13a. The committee on sewerage shall have charge of all matters pertaining to sewers and sewerage.

**CONTRACTS NOT AUTHORIZED BY COMMITTEE FORBIDDEN.** § 14. No committee of the city council, nor any member of said council, or other officer of said city, shall expend or contract for the expenditure of any moneys belonging to the city, or incur any liability on the part of the city for the improvement of any street, sidewalk, alley, building or other property belonging to or under the control of said city, unless authorized so to do by ordinance or resolution of the city council.

**RULES OF CITY COUNCIL.** § 15. The following rules for the government of the deliberations of the council are hereby adopted, viz:

I. The order of business at all regular meetings of the council shall be as follows:

1. Reading of minutes of proceedings regular and special meetings.
2. Reports of standing committees.
3. Reports of special committees.
4. Reports of officers.
5. Petitions and communications to the council.
6. Presentation of claims and accounts.
7. Unfinished business.
8. Miscellaneous business.

II. The mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the council. Appeals to the council shall be decided without debate.

III. No member shall speak more than twice upon any question, nor more than ten minutes at one time, except by permission of the council.

IV. Any member called to order shall immediately take his seat until the point of order is decided.

V. While any member is speaking, no member shall engage in conversation with others, or pass between the speaker and the mayor.

VI. Any member indulging in personalties, or reflections injurious to the feelings of any other member, or the harmony of the council, shall be called to order by the mayor.

VII. All petitions and other communications to the council shall be in writing.

VIII. When a question is stated, every member present shall vote, unless excused by the council, or unless directly interested in the question, in which case he shall not vote.

IX. No motion shall be entertained unless seconded; when seconded, it shall be stated by the mayor, and if any member requires it reduced to writing.

X. When a motion or resolution has been stated by the mayor, it shall be deemed to be in possession of the council, but may be withdrawn at any time before a decision or amendment, by consent of the council.

XI. If a question under consideration contains more than one distinct proposition, it may be divided on the request of any member.

XII. When a blank is to be filled and different sums or times proposed, the question shall first be put upon the largest sum or the longest time.

XIII. When a question is under debate, no motion shall be received, unless for the previous question, to refer, to postpone indefinitely, to adjourn to a certain day, to lay on the table, to amend, or to adjourn the council.

XIV. A motion for the "previous question," to lay the question on the table, or to commit it until decided, shall preclude all amendment or debate of the main question; and a motion to postpone a question indefinitely, or to adjourn to a certain day, shall, until it is decided, preclude all amendment to the main question.

XV. The "previous question" shall be put as follows: "Shall the main question be now put?"

XVI. A motion to adjourn shall always be in order, and shall be decided without debate.

XVII. In all cases the name of a member offering a resolution or motion, shall be entered with it, upon the journal.

XVIII. The yeas and nays shall be taken on the passage of every ordinance, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and be entered upon the journal; and if any member require it, upon any question before the council, but shall not be taken unless called for previous to the taking of the vote.

XIX. No ordinance shall be repealed or passed, or contract or appropriation made, unless by a vote of the majority of the board.

XX. Committees to whom any subject may be referred, shall report in writing, addressed to the city council of the city of Danville, and the reports shall be filed away and preserved by the clerk.

XXI. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present. [See section 15, Article III, Act of Incorporation.]

XXII. The city clerk shall forward all papers to the appropriate committees and officers, as early as the next day, after the reference shall be made, by the city marshal, who shall deliver them.

XXIII. No petition for the remission of a fine under any ordinance of the city, shall be granted without a vote of two-thirds of the council, or without said petition is signed by the police magistrate, or the jury imposing the fine, or the city attorney.

XXIV. Every proposition involving the expenditure of money, shall be referred to an appropriate standing committee, and a report thereon made to the council by said committee before the council vote upon the expenditure.

XXV. On all points of order not herein specially provided for, Cushing's manual of parliamentary practice is adopted, and made the law governing the deliberations of said council.

XXVI. The foregoing rules, or any of them shall not be repealed or annulled, amended, abridged, modified or suspended, except by a vote of the majority of the council.

## CHAPTER XXXV.

## SEAL.

## SECTION.

1. Shape—words on.
2. City clerk to prepare commissions—affix corporate seal—copies of record to be certified under seal—seal not binding on the city.

SHAPE—WORDS ON. § 1. The corporate seal of the city of Danville shall be of circular shape, with the words, "Corporate Seal of the City of Danville, Illinois, 1867," engraved on the face thereof.

CITY CLERK TO PREPARE COMMISSIONS, ETC. § 2. The city clerk shall prepare all commissions or other official documents required to be issued, and affix the corporate seal thereto, and attest or countersign the same. He shall affix the corporate seal to all official acts of the mayor requiring it, and if necessary, attest or countersign the same. He shall certify, under the corporate seal, copies of all records, documents or paper in his office, when required by any officer or other person. But in no case shall the impression of the corporate seal be binding upon the city, unless it be authorized by the charter or ordinances of the city, and is attested by the signature of the city clerk.

## CHAPTER XXXVI.

## SECOND-HAND DEALERS.

## SECTION.

1. Second-hand dealers defined.
2. License required—penalty.
3. Mayor to grant license—bond.
4. License to expire, when—revocation.
5. Book of purchases to be kept—penalty.
6. Book open to inspection.
7. Agents, clerks, etc., liable as principal.
8. Right to revoke license.

SECOND-HAND DEALERS DEFINED. § 1. Whoever shall deal in, purchase, buy or barter second-hand furniture or second-hand household goods of any description to sell again, shall be deemed dealers in second-hand goods within the meaning of this ordinance.

**LICENSE REQUIRED—PENALTY.** § 2. Whoever shall carry on or conduct the business of second-hand store, and a dealer in second-hand furniture and household goods within the city of Danville, without having first obtained a license so to do, in accordance with the provisions of this ordinance, shall be fined not less than two dollars, nor more than one hundred dollars for each and every offense.

**MAYOR TO GRANT LICENSE—BOND.** § 3. The mayor is hereby authorized to grant a license to dealers in second-hand goods, at his discretion, on the following conditions:

*First.* The person so applying for such license shall be, to the satisfaction of the mayor, a person of good moral character, and such applicant shall pay, as a license fee, the sum of twenty-five dollars per year, payable in quarterly installments in advance.

*Second.* The applicant shall execute a bond to the city of Danville, with one or more sureties to be approved by the mayor, in the penal sum of one thousand dollars, conditioned that the said applicant shall in every respect conform to the requirements or provisions of any existing ordinance of said city, and such ordinances as may thereafter be passed, concerning second-hand stores; and thereupon the city clerk shall issue to such applicant a license as a dealer in second-hand goods, under the corporate seal of the city, signed by the mayor and countersigned by the city clerk.

**LICENSE TO EXPIRE, WHEN—REVOCATION.** § 4. Every license issued under this ordinance shall expire at the end of the municipal year in which it is granted, subject, however, to the right of the mayor to revoke such license at any time, in his discretion, for cause which may appear to him sufficient.

**BOOK OF PURCHASES TO BE KEPT—PENALTY.** § 5. Every person licensed as aforesaid shall keep at his place of business a substantial and well bound book, in which he shall enter a description of all personal property purchased by him or his clerks or agents, with the date of the purchase, the name and residence or place of business of the person from whom such purchase was made; also entering any prominent or descriptive marks that may be on such property. Said book shall be kept clean and legible, and all the entries made therein shall be in ink, and no entry therein shall be afterward erased, obliterated or defaced. Any person licensed under this ordinance as aforesaid, who shall neglect or refuse to comply with any of the provisions of this section, shall be fined not less than five dollars, nor more than one hundred dollars for each and every offense.

**BOOK OPEN TO INSPECTION.** § 6. Every person so licensed as aforesaid, during ordinary business hours, when requested by the mayor, city marshal, or any policeman, shall submit and exhibit such book, provided for in section five (5), to the inspection of either of the above named officers; and any person so licensed as above stated, who fails, neglects or refuses to comply, or obstructs the officer in making the inspection of such book, shall, in either case, be fined not less than five dollars, nor more than one hundred dollars for each offense.

**AGENTS, CLERKS, ETC., LIABLE AS PRINCIPAL.** § 7. Any agent, clerk or employee of any licensed second-hand store, who shall violate any of the provisions of this ordinance, shall be subject to the same penalties herein prescribed for such violations when done by a licensed dealer in second-hand goods or keeper of a second-hand store.

**RIGHT TO REVOKE LICENSE.** § 8. Any violation of any of the provisions of this ordinance by any dealer in second-hand goods, or by his clerk, agent or employee, shall be sufficient cause for the revocation of the license of such dealer in second-hand goods, in the discretion of the mayor.



## CHAPTER XXXVII.

## SEWERS.

## SECTION.

1. All sewers declared local improvements.
2. Divides city into sewer districts.
3. Sewers to conform to Warring's specifications.
4. Manner of constructing sewers with reference to laterals.
5. Sewers to be in center of streets or alleys.
6. Construction of house connections—penalty.
7. Engineer to keep plats showing location of sewers.
8. Private connections to be made by licensed plumber.
9. Application to engineer for house connection.
10. Engineer to grant permits.
11. Private sewers—bond—inspection.
12. Manner of opening trenches, etc.—notice—inspection.
13. Private connections made under engineer's direction.
14. Uncovering sewer or tampering with flush-tanks, etc.—penalty.
15. No opening for storm water, garbage, etc., allowed.
16. Not to excavate around sewers without permit.
17. License from engineer required.
18. Engineer, etc., to have access to private house for inspection.
19. Connections must have fixtures for water supply.
20. When no engineer appointed, acting engineer to act.
21. Penalty.
22. Engineer to prepare blanks, etc.
23. Heavy weights over sewers prohibited.
24. Flushing sewers—obstructions.

ALL SEWERS DECLARED LOCAL IMPROVEMENTS. § 1. All sewers, both main and lateral, hereafter constructed in the city of Danville are hereby declared a local improvement, and the cost thereof shall be provided for by special taxation of property benefited, as hereinafter provided. And all such sewers shall be under the supervision and control of the city engineer of said city, subject to the control and direction of the city council when in session.

DIVIDES CITY INTO SEWER DISTRICTS. § 2. Said city shall be, and hereby is, divided into sewerage districts, numbered from one to eighteen. The boundaries of said several sewerage districts are, hereby declared to be as follows, viz:

## DISTRICT No. 1.

Beginning where the center line of Main street crosses the center line of the right of way of the Wabash, St. Louis & Pacific railway; thence east to the center of Stony creek; thence up the center of said Stony creek to the south line of North street; thence west to

the center line of the said right of way of the said Wabash, St. Louis & Pacific railway; thence southwesterly along the center of said right of way to the place of beginning.

#### DISTRICT No. 2.

Beginning where the south line of North street crosses the center of the right of way of the Wabash, St. Louis & Pacific railway; thence northeasterly along the center of said right of way to the center of Stony creek; thence down the center line of Stony creek to the south line of North street; thence west along the south line of North street to the place of beginning.

#### DISTRICT No. 3.

Beginning where the center line of Main street crosses the center line of the right of way of the Wabash, St. Louis & Pacific railway; thence southwesterly along the center line of said right of way to the center of South street; thence south to a point halfway between the south side of South street and the north side of Green street; thence east to the east side of lot 4 in block 7 in McRoberts & Walker's addition to Danville; thence north to the south line of South street; thence east to the west line of Park street; thence north to the north side of South street; thence east to the center of Stony creek; thence up the center of Stony creek to the center of Main street; thence westerly along the center line of Main street to the place of beginning.

#### DISTRICT No. 4.

Beginning where the center line of Main street crosses the center of Stony creek; thence easterly on the center line of Main street to the center line of Bowman avenue; thence south to the Vermilion river; thence up the Vermilion river to the center of Elizabeth street extended; thence north along the center of Elizabeth street to the center line of Wayne street; thence east to a point sixty-six feet east of the east line of Elizabeth street; thence north to the center of Pearl street; thence west to Park street; thence north on the east side of Park street to the south line of Chestnut street; thence east on Chestnut street to the west line of Elizabeth street; thence north on Elizabeth street to the south line of Green street; thence west along the south line of Green street to a point sixty-six feet east of the east line of College street; thence north to the south line of South street; thence east to the west line of Park street; thence north to the north side of South street; thence east to the center of Stony creek; thence up the center of Stony creek to the place of beginning.

## DISTRICT NO. 5.

Beginning where the south line of Main street crosses the center line of the right of way of the Wabash, St. Louis & Pacific railway; thence southwesterly along the center line of said right of way to the center of South street; thence south to a point halfway between the south side of South street and the north side of Green street; thence east to the east side of lot 4 in block 7 in McRoberts & Walker's addition to Danville; thence north to the south line of South street; thence east to the east line of lot 1 in block 6 in McRoberts & Walker's addition to Danville, Illinois; thence south to the center of Green street; thence east to the west line of Elizabeth street; thence south to the south line of Chestnut street; thence west to the east side of Park street; thence south to the center of Pearl street; thence east along the center of Pearl street to a point four rods east of the east line of Elizabeth street; thence south to Wayne street; thence west to the center of Elizabeth street; thence south to the Vermilion river; thence up said river to the east line of Gilbert street extended; thence north along the east line of Gilbert street extended to the south line of Main street; thence east to the place of beginning.

## DISTRICT NO. 6.

Beginning where the east line of Gilbert street extended crosses the Vermilion river, and in the boundary line of said city in said river; thence north along the east line of Gilbert street to a point one hundred and sixty-five feet south of the south line of North street; thence west to the center of Mill street; thence northwesterly along the center of Mill street to a point sixty-five feet south of the south line of Lafayette street; thence west to the city limits in the North Fork of the Vermilion river; thence down said North Fork of the Vermilion river, along the line of the city limits, to the Vermilion river; thence down the Vermilion river, along the line of the city limits, to the place of beginning.

## DISTRICT NO. 7.

Beginning where the east line of Gilbert street extended crosses the south line of Main street; thence north on the east side of Gilbert street to the center of Williams street; thence east to the center of Franklin street; thence south to the south line of Main street; thence west to the place of beginning.

## DISTRICT NO. 8.

Beginning at a point on the east side of Gilbert street one hundred and sixty-five feet south of the south line of North street;

thence west to the center of Mill street ; thence northwesterly along the center of Mill street to a point sixty-five feet south of the south line of Lafayette street ; thence west to the city limits in the North Fork of the Vermilion river ; thence up said North Fork of the Vermilion river along the line of the city limits to the center of the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railroad ; thence northeasterly along the center of said right of way to the center of Williams street ; thence east along the center of Williams street to the east line of Gilbert street ; thence south along the said east line of Gilbert street to the place of beginning.

#### DISTRICT No. 9.

Beginning at a point where the center line of Robinson street extended crosses the center line of English street ; thence south along the center line of Robinson street to the center of Fairchild street ; thence east along the center of Fairchild street to the east side of Gilbert street ; thence south on the east side of Gilbert street to the center of the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railroad ; thence westerly along the center of said right of way to the city limits in the North Fork of the Vermilion river ; thence up said North Fork of the Vermilion river along the line of the city limits to the center of Fairchild street extended ; thence east to the center of Logan avenue ; thence north to the center of English street extended ; thence east to the place of beginning.

#### DISTRICT No. 10.

Beginning where the east line of Gilbert street crosses the center line of Williams street ; thence east to the east side of Vermilion street ; thence north along the east side of Vermilion street to the center of English street ; thence west to the center of Robinson street ; thence south to the center of Fairchild street ; thence east to the east line of Gilbert street ; thence south to the place of beginning.

#### DISTRICT No. 11.

Beginning where the north city limits cross the center line of Robinson street extended ; thence south on Robinson street to the center of English street ; thence east on the center of English street to the east side of Vermilion street ; thence north to the city limits ; thence west to the place of beginning.

#### DISTRICT No. 12.

Beginning where the north city limits cross the center line of Robinson street extended ; thence south on the center line of Robinson street to the center of English street ; thence west on the center of

English street extended to the center of Logan avenue ; thence north to the city limits ; thence east along the line of the city limits to the place of beginning.

DISTRICT No. 13.

Beginning where the center line of Williams street crosses the center line of Franklin street ; thence east along the center line of Williams street to the east side of Vermilion street ; thence south along the east side of Vermilion street to the south side of Main street ; thence west along the south side of Main street to the center of Franklin street extended ; thence north along the center of Franklin street to the place of beginning.

DISTRICT No. 14.

Beginning where the east line of Vermilion street in the public square crosses the south line of Main street in the public square ; thence east along the south line of Main street to the center of Hazel street ; thence north along the center of Hazel street to the center of the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railroad ; thence westerly along the center of said right of way to the east side of Vermilion street ; thence south along the east side of Vermilion street to the place of beginning.

DISTRICT No. 15.

Beginning where the center line of Hazel street crosses the south line of Main street ; thence east to the center of the right of way of the Wabash, St. Louis & Pacific railway ; thence northeasterly along the center of said right of way to the center of Stony creek ; thence up the center of Stony creek to the center of Lahr street ; thence west along the center of Lahr street to Jarred's branch ; thence up said Jarred's branch to the center line of Hazel street ; thence south to the place of beginning.

DISTRICT No. 16.

Beginning where the center of Jarred's branch crosses the center of Hazel street ; thence north along the center of Hazel street to the center of the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railroad ; thence east along the center of said right of way to the center of Stony creek ; thence down the center of said Stony creek to the center of Lahr street ; thence west along the center of Lahr street to the center of Jarred's branch ; thence up the center of said Jarred's branch to the place of beginning.

DISTRICT No. 17.

Beginning where the east line of Vermilion street crosses the center line of the right of way of the Cleveland, Cincinnati, Chi-

cago & St. Louis railroad; thence north to the city limits; thence east along the city limits to the east boundary line of section five (5), township No. nineteen (19) north, range No. eleven (11) west of 2d P. M., in Vermilion county, Illinois; thence south along the east boundary line of said section No. five (5) to the center of Stony creek; thence down the center of said Stony creek to the center of the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railroad; thence westerly along the center of said right of way to the place of beginning.

#### DISTRICT NO. 18.

Beginning where the center of Fairchild street crosses the center of Stony creek; thence east along the center of Fairchild street to the center of Bowman avenue; thence south along the center of Bowman avenue to the center of Main street; thence southwesterly along the center of Main street to the center of Stony creek; thence up the center of Stony creek to the place of beginning.

SEWERS TO CONFORM TO WARRING'S SPECIFICATIONS. § 3. All main sewers, over-flows and laterals, catch basins, man-holes, covers and drappings shall be constructed in conformity to the plans and specifications and map of the sewerage system known as the George E. Warring, Jr., system, after the same have been verified by the city engineer, except where changes in the location of the lines of sewer have been made by the city engineer by reason of paving certain streets, unless otherwise provided for by the city council.

MANNER OF CONSTRUCTING SEWERS WITH REFERENCE TO LATERALS. § 4. If any sewer hereafter ordered will probably require to be extended or be connected with lateral sewers leading thereinto, it shall be built with reference to such extension or connection with lateral sewers and suitable opening—"T" or "Y"—shall be left in the sides of such sewers at and under the intersections of streets and avenues, crossing the same to admit of the proper connections with such lateral sewers as may thereafter be constructed in such cross streets or avenues; such openings shall be securely closed but in such manner as to be capable of removal without injury to the sewer.

SEWERS TO BE IN CENTER OF STREET OR ALLEYS. § 5. All sewers that may hereafter be constructed in any street or avenue or alley within said city shall be laid on and along the center line thereof unless otherwise ordered by the city council.

CONSTRUCTION OF HOUSE CONNECTIONS—PENALTY. § 6. The drainage of all private property into the public sewers shall be



effected by lateral sewers or house connections made of the best quality of vitrified earthenware pipe, true in form and strong in material, and laid strictly in accord with the specifications prepared by George E. Warring. Before any connection shall be made with any such public sewer, the owner of the property to be drained shall make application as hereinafter provided to the city engineer of said city for permission to tap said public sewer, and all such connections shall be made in strict accordance with the terms of the permission granted by said city engineer for such purpose. Any person who shall construct or use or cause to be constructed or used, any drain, sewer, cess-pool or water closet pipe in a different manner from that ordered and directed by said city engineer, and in violation of the orders of said city engineer, shall be subject to a fine not exceeding fifty dollars, which shall be recoverable against the person or persons so constructing or using said sewer, drain or pipe, or their employers, and the owner of the premises in which said work is constructed or used, shall be deemed and considered as authorizing such construction or use, and liable to such penalty.

**ENGINEER TO KEEP PLATS SHOWING LOCATION OF SEWERS.** § 7. It shall be the duty of the city engineer to keep in his office a map or maps upon which shall be platted and shown the sewerage districts of the city, with the location of the different sewers and over-flows and their dimensions, openings, inlets, catch basins and connections.

**PRIVATE CONNECTIONS TO BE MADE BY LICENSED PLUMBER.** § 8. No connection of a private sewer or drain shall be made with any sewer built, owned or controlled by the city, except by and under the supervision of a regularly licensed plumber of said city, and only then under a written permit from the city engineer as hereinafter provided.

**APPLICATION TO ENGINEER FOR HOUSE CONNECTION.** § 9. Any person desiring to make any house connections with any such sewer or drain, shall first make a written application to said engineer for permission so to do, in which application such person shall state where such connection is to be made, the purpose for which the same is to be used, and shall submit with said application a plan and specification and description of the work to be done together with the name of the plumber who is to do the same. And all such work shall be done subject to the inspection and approval of said engineer, and no alteration shall be made in any plan or in the work without first obtaining a written permit from said engineer.



ENGINEER TO GRANT PERMITS. § 10. It shall be the duty of the city engineer to grant written permits to persons, who may desire to so connect with any such sewer or drains when such persons shall have fully complied with the conditions of this ordinance. He shall prescribe the mode of piercing or opening the sewers or drains, and the form, size and material of the connections to be made therewith.

PRIVATE SEWERS—BOND—INSPECTION. § 11. The city council may grant permission to persons, to construct at their own expense sewers or drains, and to lay pipes to connect with any public sewer or drain built in any of the streets, alleys or avenues of said city; but such permission shall not be granted except such persons shall execute a bond to the city in such sum as the city engineer may designate, with sureties to be approved by him, conditioned that said work shall be performed by some person or persons duly licensed therefor; that they will comply with all ordinances in relation to the excavation of streets and to making connections with public sewers; that they will indemnify and protect said city from and for all damages and costs to which it may be put by reason of injuries or damages to any one resulting from neglect, carelessness or other cause in performing the work so permitted; that they will make good to the city all loss, damage or expense incurred by it in replacing or repairing any pavement, curbing or sidewalk in such street or alley which may be taken up, replaced, broken or damaged, by reason of constructing such sewer or drain, and by their said application they shall agree that no claim will be made by them or their successors in interest against said city, if the work, so permitted to be done, is afterwards taken up by order of the city council or for exemption from an assessment or special tax lawfully imposed for constructing other sewers or drains in said street, or in the vicinity of their property, for or from which they desire to construct their said sewer, and they shall further and expressly agree that the city council may at any time revoke and annul such permission, and may cause such sewers, drains or pipes to be taken up or removed, and all work done under any such permit, together with the material redeemed therein, shall be subject to the inspection and approval of said city engineer. And any sewer so made shall, after its completion, together with the usage thereof, be under the control of said city, and be subject to this and all other ordinances regulating the use of sewers.

MANNER OF OPENING TRENCHES, ETC.—NOTICE—INSPECTION. § 12. In opening trenches on any street or alley, the paving and ballast, if any, must be removed with care, the sides of the trench

must be sheeted or braced when and in the manner directed by the city engineer; the earth thrown from the trench must be placed so as not to obstruct the gutter, and so as to cause the least obstruction to public travel. Gas and water pipes must be protected from injury, and the trench enclosed and barricaded at night, in the manner prescribed by the ordinances of the city, and every precaution taken to prevent injury to persons or property during the progress of the work. Such pavement, sidewalk or curbing shall be replaced in as good condition as it was before being taken up, and under the directions of the said engineer, and any settlement over any such sewer, drain or connection so laid in any street occurring after such replacement shall be repaired at the expense of the owner of the property from which such drain is laid. Notice must be left at the office of the city engineer twenty-four hours prior to the beginning of any such work upon a drain or connection, and no material used therein shall be used, or work covered up, until inspected and approved by the city engineer.

PRIVATE CONNECTIONS MADE UNDER ENGINEER'S DIRECTIONS.  
§ 13. It shall be the duty of any person or persons, constructing or using any private drain, sewer, cess-pool, water closet pipe or other pipe connecting with or emptying into any sewer belonging to said city, to construct and use the same in strict conformity with the orders and directions of the city engineer, which orders and directions shall be given in writing for such purpose, and any alterations or extensions of any such drain, sewer, cess-pool, water closet pipe, or other pipe now or heretofore constructed, in said city, and which the owners thereof shall desire to have connected therewith, or empty into any sewer or drain belonging to the city, shall be so altered or extended in strict conformity with written orders and directions given by said engineer. And any person who shall construct, use, alter, extend or connect any such drain, sewer, cess-pool or water closet pipe in a different manner, or of different material from that ordered or directed by said engineer, or in violation of his orders, shall be subject to a fine not exceeding one hundred dollars, which shall be recovered from such person or persons so constructing or using such sewer, drain or pipe, or their employees and the owner of the premises on which said use is had or said work is done, or for whom the same is performed, shall be deemed or considered as authorizing such work to be so done and such use so to be made, and shall be subject to the same penalty for each day said drain, sewer pipe, or connection is so maintained after being so notified by the city engineer to remove, alter, change or to cease using the same.

UNCOVERING SEWER OR TAMPERING WITH FLUSH TANKS, ETC.—PENALTY. § 14. No person shall uncover for any purpose any public sewer, or uncover the public inspection or connecting branches thereof; or open any man-hole or flush tank, unless and except under the supervision and direction of the city engineer, nor shall any person do or cause to be done, any injury of any kind, or in any manner to interfere or tamper with any man-hole, flush tank, outlet pipe, or any other appliance or part of said sewers. Any person violating this section or any part thereof, shall be subject to a fine of not less than one dollar, nor more than one hundred dollars for each offense.

NO OPENING FOR STORM WATER, GARBAGE, ETC., ALLOWED. § 15. No connection with nor opening into any such sewer or drain, either directly or indirectly, shall be used for the conveyance or drainage of surface or storm water from any building, street or alley, or from any lot or other place; nor shall the same be used for the conveyance or discharge into said sewer or drain, of steam from any steam boiler or engine, nor shall any butchers' offal or garbage, dead animals or obstructions of any kind whatsoever, be placed, thrown or deposited therein, said sewers being intended solely for the receiving and conveyance of the ordinary discharge from water closets and liquid house slops. Any person violating this section, or any part thereof, shall be subject to a penalty of not less than one nor more than two hundred dollars.

NOT TO EXCAVATE AROUND SEWERS WITHOUT PERMIT. § 16. No person shall uncover or excavate under or around any sewer or drain of the city without the written consent of the city engineer; any person so doing shall be subject to a fine of not less than three dollars, and not exceeding fifty dollars. The person or persons by whom such work is done and their employees shall be deemed guilty of a violation of this section.

LICENSE FROM ENGINEER REQUIRED. § 17. Any person who shall lay, alter or disturb any part of a house drain, catch basin or strainer of such drain or drains, cess-pool, or water closet connected with any sewer belonging to said city, without being duly licensed to perform the same by the city engineer, shall be subject to a fine of not less than one dollar nor more than one hundred dollars.

ENGINEER, ETC., TO HAVE ACCESS TO PRIVATE HOUSE FOR INSPECTION. § 18. That the public sewers of the city may be fully protected against improper use and injury, the city engineer and his

authorized agents, shall have free and unobstructed access to any of the premises where house drains, cess-pools or water closets connected with or draining into said sewers are laid, for the purpose of examining the construction, condition and usage of the same, at any time of the day between the hours of seven o'clock, a. m., and six o'clock p. m.; and any owner, occupant or other person, on refusing to allow said engineer or any officer or agent designated by him, access to the premises for such purpose, shall be subject to a fine of not less than three dollars, nor more than fifty dollars.

**CONNECTIONS MUST HAVE FIXTURES FOR WATER SUPPLY.** § 19  
All connections with sewers or drains shall have fixtures for a sufficiency of water to be applied so as to properly carry off the refuse from water closets, kitchen sinks or otherwise. Any person using such connection without such sufficient fixtures, shall be subject to a penalty of three dollars for each day the same are so used, after being notified by the city engineer or his agents to so remedy such defects.

**WHEN NO ENGINEER APPOINTED, ACTING ENGINEER TO ACT.** § 20. In case there shall be no regularly appointed and qualified city engineer, then the powers and duties herein given and prescribed shall devolve upon any person employed by the city, and who is acting as such city engineer.

**PENALTY.** § 21. Any person violating any part of this ordinance, or causing the same to be done, where no other penalty is prescribed, shall, for every such violation, be subject to a penalty of not less than one dollar, nor more than one hundred dollars.

**ENGINEER TO PREPARE BLANKS, ETC.** § 22. It shall be the duty of the city engineer to prepare all necessary blanks for applications and permits, as required by this ordinance. And he shall also prepare all necessary rules, regulations and specifications to govern, as to the manner and materials for making connections with such sewers; which rules and regulations and specifications shall be written or printed, or both, upon all permits granted by him for the purposes aforesaid.

**HEAVY WEIGHTS OVER SEWERS PROHIBITED.** § 23. No quantity of marble or other stone, iron, lead, timber or other substance exceeding one ton in weight shall be placed or deposited upon or over any sewer or drain, where the same shall be within three feet of the surface of the street, under a penalty of twenty dollars for each offense, to be recovered of the person or person causing or permitting the same.

FLUSHING SEWERS—OBSTRUCTIONS. § 24. It shall be the duty of every person having charge of the flushing of sewers to see that no substance or obstruction be carried into any of said sewers, and that all obstructions which may be found therein shall be at once removed.

## CHAPTER XXXVIII.

### SIDEWALKS.

#### SECTION.

1. Width of sidewalks.
2. Grades for sidewalks.
3. Laying walks contrary to grade.
4. Pavements to be uniform in width and in line.
5. Pavements out of line.
6. Sidewalks out of line or grade—a nuisance.
7. Old and unsafe sidewalks—a nuisance.
8. Pavements to be of brick or stone.
9. Private drains across sidewalks.
10. Cellarways, etc., in sidewalks forbidden.
11. Cellars or areas under sidewalks.
12. Using sidewalks for area without permit.
13. Entrance to areaways, openings, etc.
14. Coal holes.
15. Hitching-posts—rings.
16. Awning.
17. Merchandise signs on sidewalks.
18. Signs to be securely supported.
19. Creaking signs—a nuisance.
20. Goods on sidewalks.
21. Driving animals, etc., on sidewalks.
22. Water running over sidewalks.
23. Hitching teams so as to obstruct.
24. Gates opening over street or sidewalk.
25. Other obstructions.
26. Crowds obstructing sidewalks.
27. Removal of obstructions.
28. Riding bicycles, etc., on sidewalks.

WIDTH OF SIDEWALKS. § 1. The width of sidewalks in the said city of Danville shall be as follows—that is to say : Sidewalks which are or may be parts of streets five rods wide, shall be fourteen feet in width ; sidewalks which are or may be parts of streets four rods wide, shall be twelve feet in width ; and sidewalks which are or may be parts of streets three rods wide, shall be nine and three-fourths feet in width ; in streets less than three rods wide, the sidewalk shall

be six feet wide. This section shall be construed to apply to the sidewalk extending from the line of the curb to the line of the abutting property, and not to the pavement on the sidewalk proper.

**GRADES FOR SIDEWALKS.** § 2. All sidewalks or pavements shall be laid or constructed to the grade established for the city therefor. Where no grade has been established, the sidewalk or pavement shall be laid or constructed to such grade as may be fixed by the city engineer. All persons desiring to build a sidewalk or lay a pavement in front of their premises shall first apply to the city engineer for the grade for the same; and it is hereby made the duty of such city engineer to designate, by proper lines and stakes, for all persons desiring to build sidewalks or lay pavements, the grade established for such street or sidewalk, and if there be no such grade established by the city council, then he shall designate and affix a temporary grade for the purpose aforesaid.

**LAYING WALKS CONTRARY TO GRADE.** § 3. If any person shall build or assist in building any pavement or sidewalk where no grade has been established, without first obtaining a grade therefor from the city engineer, or contrary to any grade which may be fixed by said engineer, or shall build or assist in building any pavement or sidewalk contrary to any grade which may have been or may be established by the city council, or contrary to any of the provisions of this chapter, or contrary to any ordinance hereafter passed, providing for any pavement or walk, he shall, in either case, be subject to a penalty of five dollars for each offense, and to a penalty of one dollar for each day he shall fail to remove or reconstruct the same, after notice from the city engineer or other officer of the city to move or reconstruct the same.

**PAVEMENTS TO BE UNIFORM IN WIDTH AND IN LINE.** § 4. All pavements or sidewalks hereafter laid or constructed in this city upon any one side of any street shall be laid and constructed of uniform width, and in a uniform line, the whole length of such side of the street. Any person desiring to build a sidewalk or pavement in front of his premises, where there is no ordinance locating and fixing the line of the same, shall apply to the city engineer for the proper location and line of such sidewalk or pavement; and it shall be the duty of such engineer, upon such application, to locate for such person such proposed pavement or sidewalk.

**PAVEMENTS OUT OF LINE.** § 5. If any person shall build or assist in building any pavement or sidewalk, and shall build or locate the same over or out of line, or beyond the width, as fixed by any



ordinance heretofore or hereafter passed, providing for such walk or pavement, or as fixed by the city engineer, he shall, in either case, be subject to a penalty of five dollars, and to a penalty of one dollar for every day he shall fail to remove or relay the same, after notice so to do, given him by the city engineer or other officer of the city.

**SIDEWALKS OUT OF LINE OR GRADE—A NUISANCE.** § 6. Any sidewalk or pavement that may be hereafter laid or constructed, which shall be constructed contrary to any grade established by the city council, or contrary to any grade fixed by the city engineer, or which shall be constructed or located contrary to the lines or width prescribed therefor by any ordinance of the city, or contrary to the line or width prescribed therefor by the city engineer, are hereby declared to be a nuisance, and the said city engineer is hereby authorized to remove or take up the same.

**OLD AND UNSAFE SIDEWALKS—A NUISANCE.** § 7. Whenever any sidewalk shall become dilapidated, and out of repair to such an extent as to be dangerous or unsafe for the passage of persons walking over the same, and to such an extent that the same cannot be economically repaired, then such sidewalk shall be considered a nuisance, and it shall be the duty of the city engineer to take up or remove the same.

**PAVEMENTS TO BE OF BRICK OR STONE.** § 8. All sidewalks or pavements hereafter laid or constructed in said city shall be made of good, sound stone, brick, or such other material as may be prescribed by ordinance or approved by the city council. Where any private driveways shall be constructed over any such sidewalks or pavement, the material of the sidewalks or pavement over which such driveway shall extend shall be of brick, laid edgewise upon a solid foundation of gravel and sand of not less than six inches in depth. Any person who shall lay, relay or construct any sidewalk of any material other than brick or stone, or such other material as may be prescribed by ordinance, without the consent of the city council first had and obtained, or shall lay or construct such work or pavement with an inferior or unsuitable quality of brick or stone, shall be fined not less than five dollars, nor more than one hundred dollars, and such sidewalk or pavement, so constructed as aforesaid, shall be deemed a nuisance, and may be taken up or removed by the city engineer.

**PRIVATE DRAINS ACROSS SIDEWALKS.** § 9. Whenever any owner or occupant of any premises shall construct or maintain any private drain across any sidewalk, such owner or occupant shall properly



and substantially box such private drain where it crosses such sidewalk, and keep in repair the grade of such sidewalk where the same lies contiguous to such drain so boxed as aforesaid. Any person violating this section shall be subject to a penalty of not less than three dollars for each offense, and shall also be subject to a penalty of one dollar for each day he shall neglect or refuse to construct such drain, or repair such grade, as required by this section, after being notified so to do, by the mayor, city marshal, city engineer or any police officer.

CELLAR-WAYS, ETC., IN SIDEWALKS FORBIDDEN. § 10. No cellar-ways, window openings or the approaches thereto, shall be whole or in part be built, erected or maintained in or upon any sidewalk, street or alley of said city, or on any part thereof; and any person or persons who shall violate this section shall be subject to a penalty of not less than three dollars, and not exceeding two hundred dollars, and to a like penalty for each day he may suffer or permit such obstructions or encroachments in or upon the sidewalks, streets or alleys fronting or adjoining his premises.

CELLARS AND AREAS UNDER SIDEWALKS. § 11. No person shall occupy or use for vaults, areas, or other purposes, the space beneath the sidewalks, included within the sidewalk lines of any street, unless a permit therefor shall have been obtained from the city council; such permits to continue and to be issued only upon the condition that the party receiving the same, his heirs and assigns shall, as a consideration for such privilege, always maintain and keep in repair a good stone sidewalk over such space, and shall keep and maintain such vault or area, and the area ways leading thereto clean and in good condition. Any neglect, failure or refusal on the part of said party receiving such permit, or his heirs, assigns, or the occupant of any such premises shall cause a forfeiture of such permit, and the rights and privileges granted by such permit shall, upon the order of the city council, be determined and annulled.

USING SIDEWALK FOR AREAS WITHOUT PERMIT. § 12. Any owner, builder, or other person who shall construct any such vault, or area beneath any sidewalk as aforesaid, or any part thereof, or shall use or occupy the same when constructed, without a permit first had and obtained as provided in section eleven of this chapter, or where a permit has been granted as aforesaid, shall use or occupy the same after such permit shall have been declared forfeited and annulled by the city council as aforesaid, shall, in either case, be

fined not less than three dollars, and a like sum for every twenty-four hours such occupation or use shall continue, without a further permit from the city council.

**ENTRANCE TO AREA-WAYS, OPENINGS, ETC.** § 13. Where entrances to areas and basements are constructed outside the inner line of a sidewalk and on the premises abutting thereto, such entrances, stairs or steps shall be securely protected by sufficient iron railings, and no open space next to any building, other than entrance ways to areas and basements shall be allowed except the same is securely protected by an iron railing, or covered with suitable iron grating. Any person constructing or maintaining any such area way, opening or entrance, contrary to the provisions of this section, either as owner or occupant of said premises, shall be subject to a fine of not less than three dollars, nor more than one hundred dollars for each offense, and shall be further subject to a like penalty for each twenty-four hours the same is allowed to so remain after being convicted of a violation hereof.

**COAL HOLES.** § 14. Every opening in any vault or coal hole or aperture in the sidewalk over any such coal hole or aperture, shall be covered with a suitable iron plate with a rough surface. Whenever any such coal hole or aperture is not covered as herein provided, or from any cause becomes unsafe or inconvenient for public travel, and the owner or occupant of the adjoining or abutting premises, owning or controlling such coal hole or vault, shall neglect or refuse to remove such covering and replace the same with a suitable one, for the period of five days, after being notified by the city engineer or any other officer of said city so to do, then such owner or occupant of said abutting premises shall be fined not less than three dollars, nor more than one hundred dollars for each offense, and shall be subject to a like penalty for each day he shall allow such coal hole or aperture to remain in such unsafe or inconvenient condition after the expiration of such five days' notice.

**HITCHING POSTS—RINGS.** § 15. Any owner or occupant of premises adjoining or abutting upon any sidewalk upon Main street, between the track of the Wabash railroad and Franklin street, or upon Vermilion street, who shall construct, keep or maintain any hitching post or rack upon the street or said walk within the aforesaid limits, shall be subject to a penalty of not less than five dollars, and to a like penalty for each day such hitching posts or racks are allowed to remain within the aforesaid limits after a notice to remove

the same is given said owner or occupant, by the city engineer or any police officer of said city. Nothing in this section shall be construed so as to prevent any person fastening, securely in such sidewalk, suitable iron rings, sufficient for temporary hitching purposes.

**AWNINGS.** § 16. All awnings in said city of Danville which shall be covered with cloth, leather or other light and pliable substance, shall be securely attached to the building or buildings and properly supported without posts, by iron or other metallic fastenings or supports, and shall be elevated at least eight feet at the lowest point thereof above the sidewalk, and shall not project over the sidewalk to exceed three-fourths of the width thereof; and no such awning shall be constructed or repaired, either wholly or in part of wood; and any person who shall erect any awning contrary to the provisions hereof, or refuse or neglect forthwith to remove any awning or awning posts heretofore or hereafter erected contrary to the provisions hereof, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars for such offense, and to the further penalty of five dollars for every day he shall fail to comply with the notice to remove the same after the lapse of three days from the service thereof from either the city engineer or any officer of said city.

**MERCHANDISE — SIGNS ON SIDEWALKS.** § 17. No clothing, goods, wares, merchandise, signs, boxes, or other article or thing whatever, shall be placed in front of any store, shop, office, or other place in said city, on or above the sidewalk, or in or upon any alley, so as to occupy more than three feet next to the buildings or premises on such sidewalk or alley, or of the space above the sidewalk or alley; and such articles or things as may be placed on the sidewalk shall not be more than three feet high above the top of the sidewalk. And all signs, articles or other things, that may be hung out or placed above the sidewalk, shall be so placed or hung that the lowest part of such articles or things shall be at least seven feet and six inches above the top of the sidewalk, and shall not swing more than three feet from the building; nor shall any owner or occupant of any lot or premises lease the space aforesaid, or permit or allow the same to be used or occupied except for his or their own business; nor shall said space be used for selling any article or thing whatever. Any person or persons who shall violate the provisions of this section shall be liable to a penalty of five dollars for every forty-eight

hours the same shall remain after being requested to remove the same by the city engineer, or other officer of said city.

**SIGNS TO BE SECURELY SUPPORTED.** § 18. All signs extending over or fronting upon any street, alley or sidewalk in said city of Danville shall be securely fastened to their supports; and any person or persons owning or having the control of any such sign, who shall permit or suffer the same to remain insecurely fastened, after notice of the fact by the city marshal or any officer of said city, shall pay a fine of not less than three dollars, nor more than one hundred dollars for each day he shall permit or suffer the same so to remain.

**CREAKING SIGNS—A NUISANCE.** § 19. Whoever shall erect or maintain a sign of any character, whether attached to a building, a post, or other support, and which sign creaks, or makes an unpleasant or disagreeable noise when moving or swinging in the air, shall be deemed guilty of a nuisance; and upon his failure to remedy or remove such sign within five days after being notified so to do by any police officer of the city, he shall be fined not less than one dollar, nor more than ten dollars, and shall be subject to a like penalty for each day he permits such sign so to remain after the expiration of said five days.

**DELIVERING OR RECEIVING GOODS ON SIDEWALKS.** § 20. No person or persons receiving or delivering goods, wares or merchandise in said city shall place or keep upon, or suffer to be placed or kept upon, any sidewalk in said city any goods, wares or merchandise which he or they may be receiving or delivering, without leaving a passageway clear upon each sidewalk where such goods may be, of four feet wide, for the use of foot passengers; and no person or persons receiving or delivering such goods shall suffer the same to be or remain on such sidewalk (subject, nevertheless, to the foregoing restrictions) for a longer period than twelve hours; and any person or persons violating any of the provisions of this section shall forfeit and pay to said city a sum not less than three dollars, nor more than ten dollars, and shall be subject to a like penalty for each hour the said goods, or any part thereof, shall remain as aforesaid, after notice from the city engineer, city marshal, or a policeman to remove the same.

**DRIVING ANIMALS, WAGONS, ETC., ON SIDEWALK.** § 21. Whoever shall drive, lead, ride, push or draw back any horse, cow or cattle of any kind, or any wagon or other vehicle, over or upon any sidewalk, or shall willfully or negligently permit any horse or cow to walk on such sidewalk, except it be in crossing the same to go

into a yard or lot where no other suitable crossing or means of access is provided, shall be fined not less than one dollar, nor more than ten dollars for each offense.

**WATER PERMITTED TO RUN OVER SIDEWALKS.** § 22. Whoever shall suffer or permit the water falling or draining from any building owned by him or under his control to spread over the sidewalk in front thereof, shall be subject to a penalty of one dollar, and to a like penalty for each day he shall not remedy the same, after notice to do the same by any officer of the city.

**HITCHING TEAMS SO AS TO OBSTRUCT SIDEWALKS.** § 23. Whoever shall fasten or leave any team or beast of burden in such a manner as that the team, the vehicle, the animal, the harness, the lines, or anything belonging thereto, shall be an obstruction to the sidewalk, shall be subject to a penalty of not less than one dollar, and not exceeding ten dollars in each case.

**GATES OPENING OVER STREET OR SIDEWALK.** § 24. All gates opening upon any public street shall be so constructed as that no part of such gate shall swing over or above the street or sidewalk upon which it opens, unless such gate be so constructed or hung as to be self-shutting; and whoever shall erect, keep or maintain any gate in violation of this section shall be deemed guilty of a nuisance, and be fined not exceeding ten dollars.

**OBSTRUCTIONS TO SIDEWALKS.** § 25. The owner or occupant of any premises within said city shall, at all times, keep the sidewalk along such premises open, safe and passable for foot passengers passing over the same. For each failure so to do, or for any obstruction or injury to such sidewalk not specially designated and otherwise provided for in this chapter, such owner or occupant shall be subject to a penalty of not less than three dollars, and not more than one hundred dollars for each offense, and to a like penalty for each day such violation shall continue, after being notified by the city engineer or any police officer to remove such obstructions or repair such injury.

**CROWDS OBSTRUCTING SIDEWALKS.** § 26. When two or more persons shall stand or crowd together, so as to obstruct any sidewalk, or thereby prevent the free and unobstructed passage of other persons over such sidewalk, such persons so obstructing such walk shall be deemed guilty of a nuisance, and shall be fined not less than one dollar, nor more than ten dollars.

**REMOVAL OF OBSTRUCTIONS.** § 27. The mayor, aldermen, or any police officer are authorized to cause any obstruction, encroach-

ment, article or thing which may be in violation of the provisions of this chapter, to be removed within a reasonable time after notice to remove the same is served upon the owner, agent or person in possession of the premises adjoining such walk where such violation occurs, or, in case the owner, agent or person in possession cannot be found, then by posting such notice upon the premises or sidewalk in front thereof, and the owner, agent or party causing or permitting such violation shall pay all expenses and costs of such removal, in addition to the penalties aforesaid. And any person who shall wrongfully interfere in any manner with such removal shall be fined not less than three dollars, nor more than two hundred dollars.

RIDING BICYCLES, ETC., ON SIDEWALKS. § 28. Riders of bicycles and tricycles are hereby prohibited from riding upon the sidewalks on Main and North streets from the Wabash railroad to Franklin street, and on Vermilion street from the public square to Madison street, and upon the sidewalks along all paved streets throughout the city. Any person who shall ride upon a bicycle or a tricycle on the sidewalks along that part of the streets above named shall be fined not less than one dollar, nor more than fifty dollars for each offense. Other sidewalks of the city may be used by bicycle or tricycle riders under such regulations as the city council may prescribe.

## CHAPTER XXXIX.

## STREETS AND ALLEYS.

## SECTION.

1. Obstruction to streets forbidden.
2. Owner to remove obstructions upon notice.
3. Engineer to remove, when, etc.—cost, etc.
4. Building material in street.
5. Red lights at piles of building materials.
6. Railings and lights at excavations.
7. Cellar doors open.
8. Merchandise or fuel on streets.
9. Obstructing streets by teams.
10. Persons placing obstructions liable for damages.
11. Buildings, etc., in street not to be repaired.
12. Removal of buildings through streets.
13. Digging in street.
14. Excavations adjoining street to be guarded.
15. Excavations in streets—tearing up sidewalks.
16. Removing grade or corner stakes.
17. Removing or selling earth from streets.
18. Ashes, rubbish, etc., in streets.
19. Fire upon street crossings.
20. Paper, rubbish from carts, etc.
21. Stopping teams upon crossings.
22. Feeding or huckstering on public square.
23. Numbers on buildings.
24. Decimal system adopted.
25. Manner of numbering.
26. Size of numbers—where placed.
27. Penalty for not numbering.
28. Numbering of new buildings.
29. Throwing dirt, etc., on paved streets—penalty.
30. Molesting paved streets.
31. No permission to be granted until bond is given—penalty.

OBSTRUCTIONS TO STREETS FORBIDDEN. § 1. No person shall erect, construct or place, or cause to be erected, constructed or placed, any building, fence, porch, steps, window, stairs, railing or other obstruction, in whole or in part, upon any street, alley, sidewalk or other public ground within said city.

OWNER TO REMOVE OBSTRUCTION UPON NOTICE. § 2. The owner of any building, fence, porch, steps, window, stairs, railing or other obstruction now standing, or which may hereafter be erected or placed upon any street, alley, sidewalk or public ground within this city, or which may be left standing upon any new street or alley that has been or may be hereafter opened, who shall not remove the same within such reasonable time, not exceeding thirty nor less



than three days, as he shall be required so to do by a notice served upon him, signed by the mayor, city engineer, or any police officer of said city, shall be subject to a penalty of not less than ten dollars, nor more than two hundred dollars, and a further penalty of ten dollars for every day the same shall remain after the expiration of the time fixed in such notice.

**ENGINEER TO REMOVE OBSTRUCTIONS—COST, ETC.** § 3. Whenever the owner of any building, fence, or other obstruction upon any street, alley, sidewalk or public ground shall neglect or refuse to remove the same, after a notice to do so, as prescribed in the preceding section, or if the owner cannot be found for the purpose of such notice, upon reasonable diligence by the city engineer, such obstruction shall be deemed a nuisance; and the city engineer shall cause the same to be removed or taken down, and the expense thereof shall be recoverable from the owner in a suitable action before any court of competent jurisdiction. Any person who shall resist or interfere with the removal or taking down of any such obstruction as aforesaid, shall be subject to a penalty of not less than five dollars, nor more than two hundred dollars.

**BUILDING MATERIAL IN STREET, ETC.** § 4. No builder or other person shall incumber or obstruct any street or alley with any building or other like materials without a written permit from the mayor, nor shall, except in case of urgent necessity and for a short time, incumber or obstruct more than one-third of any street or alley or one-half of the sidewalk, nor shall such obstruction continue in any case longer than may be necessary in the diligent erection of such building, or the prompt execution of the work. Whoever shall violate any provision of this section shall be subject to a penalty of not less than three dollars, nor more than one hundred dollars for each day he shall continue in violation thereof.

**RED LIGHTS AT PILES OF BUILDING MATERIAL.** § 5. Whenever any builder or other person shall place any pile of lumber, brick, sand, or other building material in any street or alley in said city, it shall be his duty to place suitable and sufficient red lights upon such pile of building material at twilight in the evening, and keep them burning during the night. Upon his neglect or refusal so to do he shall be fined not less than three dollars, nor more than fifty dollars.

**RAILINGS AND LIGHTS AT EXCAVATIONS.** § 6. Whenever any person is engaged in digging down any street, or making any sewer or drain therein, or trench for gas or water pipes, or other excavation,

in any public street, sidewalk, alley or open place in this city, under any contract with the city, or any private corporation or person, or where the same is done by any person or private corporation for his or its own use and benefit, and such work, if left exposed, would be dangerous to passengers, horses, teams or travelers, such person or corporation so engaged in such work as aforesaid shall erect a fence or railing at such excavation or work in such manner as to prevent danger to passengers, teams or travelers who may be traveling such street or alley, and shall so maintain such fence or railing until such work is completed or danger removed. And it shall further be the duty of such person or corporation to place upon such railing or fence, at twilight in the evening, suitable and sufficient red lights, and keep them burning through the night during the performance of such work. Any person or corporation violating any of the provisions of this section shall be fined not less than five dollars, nor more than two hundred dollars for each offense.

**CELLAR DOORS OPEN.** § 7. Whoever shall, in the night-time, leave open any cellar door, vault, well, cistern, excavation, ditch or like hole upon or adjoining any street, alley or sidewalk, without securing and protecting the same so as not to endanger the safety of persons or animals passing thereby from falling therein, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

**MERCHANDISE OR FUEL ON STREETS.** § 8. No person shall obstruct or incumber any street or alley with merchandise, fuel or other articles of property longer than may be necessary in the diligent removal of the same, under a penalty of not less than one dollar, nor more than ten dollars, and a like penalty for each hour the same shall not be removed, after notice to remove the same by the mayor, city engineer or any police officer.

**OBSTRUCTING STREET BY TEAMS.** § 9. When any street or alley may be obstructed by a press of teams, wagons or animals, the mayor, any police officer or any alderman may give such orders and directions as may be deemed necessary for abating the obstruction; and whoever shall not obey such orders and directions shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

**PERSONS PLACING OBSTRUCTIONS LIABLE FOR DAMAGES.** § 10. Whoever shall place or leave, or cause to be placed or left, any encroachment, incumbrance or obstruction in or upon any street, alley or sidewalk, shall, in all cases, be liable to the city and to

private persons for all damages or injury arising from such encroachment, incumbrance or obstruction.

**BUILDINGS, ETC., IN STREET NOT TO BE REPAIRED.** § 11. No fixtures, building, fence or other erection or inclosure extending or encroaching upon any road, street, alley or sidewalk, contrary to ordinance, shall be repaired or rebuilt, under a penalty of not less than ten dollars, and not exceeding one hundred dollars.

**REMOVAL OF BUILDINGS THROUGH STREETS.** § 12. No person shall move or cause to be removed, or aid in removing, any building through or across any street or alley without a written permit from the mayor, nor shall, in removing such building, unnecessarily incumber or obstruct any street or alley, or for a longer time than may be necessary in the prompt and diligent removal of such building, under a penalty of not less than ten dollars, and not exceeding one hundred dollars in each case, and an additional penalty of not less than three dollars for each day such building shall unnecessarily remain in any street or alley.

**DIGGING IN STREETS, ETC.** § 13. Whoever shall excavate, strip, sap, undermine, or in any manner dig away or plow any street, alley or highway, or any part of the same, shall be fined not less than three dollars, nor more than one hundred dollars.

**EXCAVATIONS ADJOINING STREETS TO BE GUARDED.** § 14. Whenever any person shall hereafter excavate, sap, strip, undermine or make any opening in the ground of the depth of four feet or more upon any premises contiguous to or within ten feet of any street, alley or highway, such person shall inclose such premises by a substantial railing, or other sufficient barrier, at least four feet in height, and shall keep up such railing or barrier as long as such excavation or opening shall remain; and for any neglect, failure or refusal so to do such person shall be fined not less than three dollars, nor more than one hundred dollars.

**EXCAVATIONS IN STREETS—TEARING UP SIDEWALKS.** § 15. No person not authorized by ordinance shall make any excavation in any street, alley or sidewalk without a written permit from the mayor, under a penalty of not less than three dollars, and not exceeding one hundred dollars. Any person making or causing to be made any excavation or ditch, for any purpose, in any street or alley or sidewalk, shall, without any unnecessary delay, cause the same to be filled up to the proper level of the street, alley or sidewalk, and shall, from time to time, if necessary, continue to repair the same until the earth is completely settled and the surface conforms to the

proper level of the street. Any person tearing up any plank or paved street or sidewalk, or bridge or culvert, for any purpose, or negligently breaking or injuring the same by the removing of any building over the same, shall, without delay, cause such plank or paved street, alley or sidewalk, or bridge or culvert, to be repaired or placed in the same condition as before the breaking or injuring thereof. Any person making or causing to be made any excavation or ditch, or tearing up, breaking or injuring any planked or paved street, alley or sidewalk, bridge or culvert, or causing the same to be broken, injured, or torn up, who shall not comply with the requirements of this section, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars, and the city engineer shall, without delay, cause such filling up or repairs to be made and completed, and the cost thereof may be collected of any person whose duty it was to do the same, and recovered with the penalty or in a separate suit in the name of the city.

**REMOVING GRADE OR CORNER STAKES.** § 16. Whoever shall purposely change or remove any stake, post or stone placed or set to designate the corner or line of any lot or land, street or alley, or to show the grade of any street, alley or sidewalk, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars.

**REMOVING OR SELLING EARTH FROM STREET.** § 17. Whoever shall, for any private purpose, dig, remove or carry away any earth from any street or alley, without the permission of the city council, shall be subject to a penalty of not less than one dollar for each load removed or carried away; and any city officer who shall sell or dispose of any earth from any street or alley for his private gain or benefit shall be subject to a penalty of not less than twenty-five dollars, and not exceeding one hundred dollars.

**ASHES, RUBBISH, ETC., IN STEETS AND ALLEYS.** § 18. Whoever shall throw, place or leave any ashes, dirt, garbage, filth or other rubbish in or upon any street, alley or sidewalk, or shall knowingly suffer or permit the same to be thrown, placed or left in or upon any street, alley or sidewalk in front of or adjoining any premises owned or occupied by him, or under his control, shall be subject to a penalty of not less than one dollar, and not exceeding one hundred dollars, and to a like penalty for each day the same may remain, after notice to remove the same by the mayor, the city engineer, or any police officer or any alderman.

**FIRE UPON STREET CROSSINGS** § 19. Whoever shall throw, place or leave any live coals or fire, or make or kindle any fire, upon

any planked street crossing, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars, and shall likewise be liable for all damages or injury caused thereby, and the cost of repairing, which may be recovered with the penalty or in a separate suit in the name of the city.

THROWING PAPER, ETC.—DROPPING RUBBISH FROM CARTS. § 20. Whoever shall throw any paper, straw, tin cans or litter of any kind into any street, alley or open space of ground, in said city, or shall cause any cart, wagon or other vehicle to be so loaded and heaped up with sand, manure, earth or rubbish, so that in the hauling thereof, any part of such load shall be scattered or dropped in any street, alley, or other open place of said city, shall be fined not less than three nor more than fifty dollars for each offense.

STOPPING TEAM ON CROSSINGS. § 21. Whoever shall obstruct any street crossing by unnecessarily stopping thereon with any team, vehicle or animal, so as to incommode persons crossing the same, shall be subject to a penalty of not less than one dollar, and not exceeding ten dollars.

FEEDING OR HUCKSTERING ON PUBLIC SQUARE. § 22. No person or persons shall feed any team, horse or horses, or other animal upon the public square in said city, nor shall stop upon the same with teams, wagons, market-wagons, carriages or otherwise, for the purpose of marketing, bargaining, bartering, trafficking or in hawking any wood, coal, hay, straw, fish, poultry, produce, goods, wares or merchandise, under a penalty of not less than three dollars, nor more than one hundred dollars for each offense.

NUMBERS ON BUILDINGS. § 23. All buildings situated on any of the streets of said city shall be numbered in the manner herein, and as may be hereafter provided by the city council.

DECIMAL SYSTEM ADOPTED. § 24. The decimal system of numbering the streets is hereby adopted.

MANNER OF NUMBERING. § 25. All east and west streets shall be numbered commencing at Vermilion street. Such part of said streets as lie east of Vermilion street to be numbered from Vermilion street east; and such parts of said street as lie west of Vermilion street to be numbered from Vermilion street west. All north and south streets shall be numbered commencing at Main street. Such part of said north and south streets as lie north of Main street to be numbered from Main street north; and such part of said streets as lie south of Main street to be numbered from Main street south.

One hundred numbers shall be assigned to each block. The even numbers to be on the west side of all north and south streets, and the south side of all east and west streets.

**SIZE OF NUMBERS—WHERE PLACED.** § 26. Each of the figures of every number shall be not less than three inches in length, and so marked as to be distinctly and easily read; said numbers shall be placed in a conspicuous place, on the side of or above the front door of the building to which they are attached.

**PENALTY FOR NOT NUMBERING.** § 27. Any person being the owner or occupant of any building now erected in the city of Danville, who, after being notified by the city engineer, that the street numbers are on record at his office, shall for thirty days neglect or refuse to number any building owned or occupied by him, with the number so assigned such building, as aforesaid, or shall number such building with a number different from that assigned such building as aforesaid, or shall maintain any such wrong number upon any such building which may be now upon it, shall be fined not less than three dollars, nor more than ten dollars for every thirty days he shall neglect or refuse to number said building, or shall maintain such wrong number upon the same.

**NUMBERING ON NEW BUILDINGS.** § 28. Any owner or occupant of any building hereafter erected in said city, who shall for thirty days after the same shall be erected, neglect or refuse to number said building according to the provisions of this chapter, or who shall number said building without having first obtained from said city engineer a certificate designating the proper number, or shall place or maintain on such building a number different from that assigned to it by said city engineer, shall be subject to a penalty of not less than three dollars, nor more than ten dollars, for every thirty days thereafter that said building shall be without its number, according to the provisions of this chapter, or shall have a number thereon different from that assigned to it by said city engineer.

**THROWING DIRT, ETC., ON PAVED STREET—PENALTY.** § 29. It shall be unlawful for any person, persons or corporation to sweep, throw, shovel, scrape or carry any dirt, litter, rubbish, waste, or refuse from any office, store, shop, house or place to or upon any paved street of said city; or to sweep or throw the scrubblings from any store, shop, saloon or other place upon any sidewalk, or upon any paved street of said city; or to shovel, dig or scrape the dirt from one part of any paved street and throw the same upon a different place upon any paved street, except for the purpose of



immediately carting the same away; or to change, shift or stir the dirt or deposit upon any part of any paved street, except for the purpose of removing such dirt or deposit from such paved street. Any person violating the provisions of this section shall be fined in any sum not less than three dollars, nor more than fifty dollars for each offense.

**MOLESTING PAVED STREET.** § 30. No person, persons or corporation shall injure, tear up or molest any brick pavement now or hereafter laid on any street or alley of said city, or dig any hole, ditch, trench, drain or excavation therein for any purpose whatever, without first having obtained permission so to do from the city engineer or city council of said city.

**NO PERMISSION TO BE GRANTED UNTIL BOND IS GIVEN—PENALTY.**  
§ 31. No permission shall be granted by the mayor or city council to any person, persons or corporation to dig any hole, ditch, trench, drain or excavation in any such paved street unless the person, persons or corporation desiring to dig any such hole, ditch, trench, drain or excavation in such paved street shall first give a good and sufficient bond, conditioned that such person, persons or corporation will restore such pavement to as good a condition as the same was in before such hole, ditch, trench, drain or excavation was made therein, and that he, they or it will save and keep harmless the said city from all loss or damage which may be occasioned by such hole, ditch, drain, trench or excavation. Any person who shall injure, tear up or molest any such brick pavement, or dig any hole, ditch, trench, drain or excavation therein, without having obtained permission so to do as provided for in this section shall be fined in any sum not less than ten dollars, and not more than one hundred dollars for each offense.



## CHAPTER XL.

## SUPPLIES

## SECTION.

1. Supplies.
2. Requisition for supplies.
3. Who shall purchase—order—bill.
4. Claims for goods not ordered.
5. Bill—what to contain.
6. Board of prisoners.

**SUPPLIES TO BE PURCHASED ON CONTRACTS.** § 1. All supplies or materials for the city of Danville, when practicable, shall be purchased on time contracts, the same to be let, upon advertisement, to the lowest and best bidder, as the city council may determine. The committee in charge of the different departments shall, so far as possible, prepare estimates and specifications for such supplies. No time contracts to furnish supplies or materials shall cover a longer period than the municipal year.

**REQUISITION FOR SUPPLIES.** § 2. Any officer or person having charge of any department of the city government shall, whenever any supplies or materials are needed in his department for the furnishing of which the city does not hold a contract, make out and present to the city council in session a written requisition, setting forth the article or articles needed and the price thereof, if known.

**WHO SHALL PURCHASE—ORDER—BILL.** § 3. The council shall, at the time of ordering the purchase of any supplies, designate who is authorized to make the purchase; and every officer or person ordering any article from a distance from the city shall file with the city clerk a copy of the order sent by him, and also the bill of the article so ordered, as soon as the same is received.

**CLAIMS FOR GOODS NOT ORDERED.** § 4. No account or claim for any article furnished the city shall be allowed unless such article was ordered to be purchased by the council, or unless the purchase thereof was the result of an emergency which could not reasonably have been foreseen in time to present a requisition to the council.

**BILL—WHAT TO CONTAIN—CERTIFICATE.** § 5. Every bill presented to the city council for allowance shall contain an itemized statement of the articles for which payment is asked, and shall be certified to by the officer under whom the liability was incurred.

BOARD OF PRISONERS. § 6. The city council shall, at the beginning of each municipal year, make a contract with some responsible party for the feeding of any and all prisoners confined in the city calaboose or prison.

## CHAPTER XII.

### VEHICLES.

#### SECTION.

1. Vehicles licensed.
2. Rate of license.
3. Number of license on vehicle.
4. Persons entitled to license.
5. Bonds.
6. Rates for carrying passengers or property.
7. Penalty for charging excessive rates.
8. Boisterous conduct—obstructing streets.
9. Stands for vehicles.
10. Police to remove vehicles.
11. False representation, extortion, etc.
12. Licensed persons to keep copy of section 6.

VEHICLES LICENSED. § 1. No person shall keep or use for hire for the carrying of persons or property any vehicle of any kind or description, within the city of Danville, without first obtaining a license therefor, under a penalty of not less than five dollars, nor more than fifty dollars for each offense: *Provided*, This section shall not apply to liverymen hiring out vehicles to persons for single trips, or in the course of the usual or ordinary business of liverymen; nor shall the same apply to merchants, lumbermen and other persons who keep and use vehicles for the delivery of property sold by them and delivered to the purchasers thereof free of charge; nor shall the same apply to teams hired by the day or week, and not engaged in carrying passengers.

RATE OF LICENSE. § 2. There shall be charged and paid for a license under this chapter the following rates:

*First.* For omnibuses running between the hotels and railroad depots and other parts of the city, the sum of five dollars per annum for each omnibus.

*Second.* For each hackney coach or other two-horse carriage, wagon, hack or vehicle used for carrying passengers, the sum of five dollars per annum.

*Third.* For each cab or other one-horse vehicle used for carrying passengers, the sum of five dollars per annum.

*Fourth.* For each truck, dray or other vehicle used for carrying freight or property, the sum of one dollar per annum.

*Fifth.* For each hackney coach, cab, omnibus, hack, carriage or other vehicle running transiently in the city during fair time and other days when there is a public demonstration in the city, the sum of five dollars per day shall be charged for each vehicle carrying passengers for hire.

NUMBER OF LICENSE ON VEHICLE. § 3. Every person keeping or using any vehicle requiring a license shall cause the number of the license of such vehicle to be conspicuously painted or placed upon the same where it can be readily seen; and any person neglecting or refusing so to do shall be fined not less than three dollars, nor more than twenty-five dollars.

PERSONS ENTITLED TO LICENSE. § 4. No person shall be entitled to a license under this chapter except such person is a resident of Danville township, and over the age of twenty-one years, and the owner of the vehicle or vehicles for which he desires a license.

BONDS. § 5. Before a license shall be issued to any person to keep or use for hire any vehicle, he shall execute a bond to said city in the sum of five hundred dollars, with sureties to be approved by the mayor, conditioned for the faithful observance of all ordinances of the city relating to vehicles, and that he will promptly deliver all property intrusted to him to the persons entitled thereto.

RATES FOR CARRYING PASSENGERS OR PROPERTY. § 6. Charges for the transportation of persons and property by all persons licensed hereunder shall be as follows, viz:

*First.* For carrying each passenger between any two points within the city, twenty-five cents.

*Second.* For the use of any two-horse cab, carriage or other vehicle, with driver, by the hour, the sum of one dollar per hour.

*Third.* For the use of any one-horse vehicle, by the hour, with driver, fifty cents per hour.

*Fourth.* For carrying merchandise or property of any kind upon a wagon, truck or dray, for any distance not exceeding six blocks, the sum of twenty-five cents per load; for any distance exceeding six blocks, fifty cents per load.

**PENALTY FOR CHARGING EXCESSIVE RATES.** § 7. Any person licensed under this chapter, or the driver of any such licensed vehicle, who shall charge, or cause to be charged, any greater sum than the rates provided in section six of this chapter, for carrying any passenger or property, shall be fined not less than five dollars, nor more than one hundred dollars for each offense, and the owner of such vehicle shall in addition thereto forfeit his license for the same, in the discretion of the mayor.

**BOISTEROUS CONDUCT—OBSTRUCTING STREETS, ETC.** § 8. No driver of any coach, cab, dray or other vehicle licensed under this chapter, shall, at any depot, or at any stand waiting for employment or other place, leave his team, 'bus, carriage or vehicle to solicit passengers, or shall conduct himself in a boisterous or disorderly manner, or use any indecent or profane language, or in any way vex or annoy any traveler, passenger or other person, or unnecessarily snap or flourish his whip, or obstruct any street or sidewalk in said city, under a penalty of not less than three dollars, nor more than one hundred dollars.

**STANDS FOR VEHICLES.** § 9. The city marshal shall designate stands for all cabs, coaches, omnibuses or other vehicles at all railroad depots, where the same shall stand while waiting for passengers or property; and shall also designate and fix the stands at other points in the city where all drays, carts, coaches, cabs or other licensed vehicles, shall stand while waiting for passengers or employment; and said city marshal shall make all necessary rules and regulations for the use and occupation of said stands by such licensed vehicles: *Provided*, that no such stand shall be assigned for any such vehicle in front of any premises, against the wish of any owner or occupant of the same. Any owner or driver of any such licensed vehicle, who shall cause, or permit the same to stand or remain at any place, waiting for passengers or employment, other than the one assigned for the same, or shall violate any of the rules of the city marshal regulating such stands as aforesaid, shall be fined not less than three dollars, nor more than fifty dollars for each offense.

**POLICE TO REMOVE VEHICLES.** § 10. The city marshal and the several police officers of the city shall have power to order the driver, or other person having charge of any licensed vehicle, to remove such vehicle away from any place in any of the streets, which in his or their opinion may be improperly incumbering such street, or obstructing or impeding public travel; and any person

refusing or neglecting to comply with such order shall be fined not less than two dollars, nor more than twenty dollars.

**FALSE REPRESENTATION—EXTORTION.** § 11. Any owner or driver of any cab, coach or other licensed vehicle, who shall induce anybody to employ him, by knowingly or wantonly misinforming or misleading such person, either as to the time or place of the arrival or departure of any railroad train, or the distance to, or location of any depot, office, station, hotel, public place or private residence within said city, or shall be guilty of any other fraud, extortion, or attempted fraud or extortion, upon such person, shall be fined not less than five dollars, nor more than one hundred dollars for any or either of the aforesaid offenses.

**LICENSED PERSONS TO KEEP COPY OF SECTION 6.** § 12. The driver of every licensed vehicle, shall keep in his possession at all times, a certified copy of section six of this chapter, or any amendments thereto hereafter passed by the city council, and shall exhibit the same to any person employing him, who shall demand the same, under a penalty of not less than three dollars.

## CHAPTER XLII.

## WARDS.

## SECTION.

## I. Division of city into wards.

DIVISION OF CITY INTO WARDS. § 1. The city of Danville is hereby redistricted into seven wards, and the numbers of said wards and the boundaries thereof shall be as follows—that is to say:

## FIRST WARD.

The First ward shall consist of all that portion of said city which is included within the following boundary lines, viz: Commencing on the line of the city limits at Bowman avenue at the point of intersection with the center line of South street extended; thence southerly along the line of the city limits to the line of the city limits at the Vermilion river; thence up said Vermilion river, following the line of the city limits, to the point where the center line of South street extended crosses said Vermilion river; thence east along the center line of South street to the east end of South street; thence easterly to the place of beginning on Bowman avenue.

## SECOND WARD.

The Second ward of said city shall consist of all that portion of said city which is included within the following boundary lines, viz: Commencing on the line of the city limits at Bowman avenue at the point of intersection with the center line of South street extended; thence west to the center of the east end of South street; thence west along the center line of South street to a point opposite the center line of Walnut street; thence north along the center line of Walnut street to a point opposite the center line of the alley running east and west between Main street and North street; thence east along the center line of said east and west alley between said Main street and North street to the west end of VanBuren street; thence east to the center line of Stony creek; thence southerly down the center line of said Stony creek to the center line of Main street; thence northeasterly along the center line of Main street to the city limits at Bowman avenue; thence south along the line of the city limits on Bowman avenue to the place of beginning.

## THIRD WARD.

The Third ward shall consist of all that portion of said city which is included within the following boundary lines, viz: Commencing where the center line of Main street crosses the line of the city limits at Bowman avenue; thence northerly along the line of the city limits at Bowman avenue to the point of intersection with the center line of Seminary street extended; thence westerly along the center line of said Seminary street to the center line of the right of way of the Wabash railroad company; thence southwesterly along the center line of said right of way to the point of intersection with the center line of Madison street extended; thence west along the center line of Madison street to the center line of Hazel street; thence south along the center line of Hazel street to a point opposite the center line of the alley running east and west between Main street and North street; thence east along the center line of said alley to the west end of VanBuren street; thence east to the center line of Stony creek; thence southerly down said Stony creek, along the center line thereof, to the center of Main street; thence northeasterly along the center line of said Main street to the place of beginning at Bowman avenue.

## FOURTH WARD.

The Fourth ward shall consist of all that portion of said city which is included within the following boundary lines, viz: Commencing where the center line of Seminary street extended crosses the line of the city limits at Bowman avenue; thence northerly along the line of the city limits at Bowman avenue to the line of the city limits on Fairchild street; thence west on the line of the city limits on Fairchild street to the center line of Stony creek; thence down the center line of Stony creek to the point of intersection with the center line of Woodbury street extended; thence west along the center line of Woodbury street to the center line of Hazel street; thence south along the center line of Hazel street to the center line of Madison street; thence east along the center line of Madison street to the center line of the right of way of the Wabash railroad company; thence northeasterly along the center line of said right of way to the center line of Seminary street; thence east along the center line of said Seminary street to the place of beginning at the city limits at Bowman avenue.

## FIFTH WARD.

The Fifth ward of said city shall consist of all that portion of said city which lies within the following boundary lines, viz: Com-



mencing at the line of the city limits at the Vermilion river at the point of intersection with the center line of South street extended; thence east along the center line of South street to a point in line with the center of Walnut street; thence north along the center line of Walnut street to the center line of the alley running east and west between North street and Main street; thence east along the center line of said alley to the center line of Hazel street; thence north along the center line of Hazel street to the center line of Seminary street; thence west along the center line of Seminary street to the center line of Vermilion street; thence north along the center line of Vermilion street to a point opposite the center line of Seminary street as it is laid out west of said Vermilion street; thence west along the center line of said Seminary street to the center line of Gilbert street; thence north along the center line of Gilbert street to a point opposite the center line of Ann street; thence west along the center line of Ann street to the center line of Harmon avenue; thence south along the center line of Harmon avenue to the center line of Seminary street; thence west along the center line of Seminary street to the center line of the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railway company; thence southwesterly along the center line of said right of way to the city limits at the North Fork of the Vermilion river; thence down said North Fork of the Vermilion river, following the line of the city limits, to the Vermilion river; thence down said Vermilion river, following the line of the city limits, to the place of beginning.

#### SIXTH WARD.

The Sixth ward shall consist of all that portion of said city which lies within the following boundary lines, viz: Commencing where the center line of Hazel street crosses the center line of Seminary street; thence west along the center line of Seminary street to the center line of Vermilion street; thence north along the center line of Vermilion street to a point opposite the center line of Seminary street as it is laid out west of said Vermilion street; thence west along the center line of said Seminary street to the center line of Gilbert street; thence north along the center line of Gilbert street to a point opposite the center line of Ann street; thence west along the center line of Ann street to the center line of Harmon avenue; thence south along the center line of Harmon avenue to the center line of Seminary street; thence west along the center line of Seminary street to the center line of the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railway company; thence southwesterly along the center line of said right of way to the city limits

at the North Fork of the Vermilion river; thence up said North Fork of the Vermilion river, and following the line of the city limits, to the line of the city limits on Fairchild street extended; thence easterly along the line of said city limits to the line of the city limits at Logan avenue; thence easterly along the center line of Fairchild street to the center line of Oak street; thence south along the center line of Oak street to the center line of Woodbury street; thence east on the center line of Woodbury street to the center line of Hazel street; thence south on the center line of Hazel street to the place of beginning.

#### SEVENTH WARD.

The Seventh ward shall consist of all that portion of said city which lies within the following boundary lines, viz: Commencing in the center line of Stony creek at the point of intersection with the center line of Woodbury street extended; thence up the center line of said Stony creek to the point where the same crosses the east boundary line of section No. five (5), township No. nineteen (19) north, range No. eleven (11) west of the 2d P. M. in Vermilion county, Illinois; thence north on said boundary line to the northeast corner of said section No. five (5); thence west along the town line to the northwest corner of the east half of the northeast quarter of section No. six (6), township No. nineteen (19) north, range No. eleven (11) west of the 2d P. M. in said county and state; thence south to the center of Fairchild street; thence east along the center line of Fairchild street to the center line of Oak street; thence south along the center line of Oak street to the center line of Woodbury street; thence east on the center line of Woodbury street to the east end of Woodbury street; thence east to the place of beginning in Stony creek.

Passed and approved this 30th day of April, A. D. 1892.

Attest:

JOSEPH SHATZ,  
City Clerk.

JOHN BEARD,  
Mayor.

STATE OF ILLINOIS, }  
VERMILION COUNTY, } ss.  
CITY OF DANVILLE, }

I, Joseph Shatz, city clerk of the city of Danville, Vermilion county, Illinois, do hereby certify that the foregoing ordinance, entitled, "An ordinance for revising and consolidating the general ordinances of the city of Danville," was passed and adopted by the city council of said city, at an adjourned regular meeting thereof, on the 30th day of April, A. D. 1892; that the same was duly deposited in the office of the city clerk of said city on the 30th day of April, A. D. 1892, and was duly signed and approved by the mayor of said city; that the foregoing is a true and correct copy of said ordinance, and that the same is published and printed in book or pamphlet form under the direction and by the authority of the city council of said city.

JOSEPH SHATZ,  
City Clerk.



APPENDIX.

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SPECIAL  
LAWS AND ORDINANCES,  
IN FORCE IN THE CITY OF DANVILLE.



## SPECIAL LAWS AND ORDINANCES,

IN FORCE IN THE CITY OF DANVILLE.

## AN ORDINANCE

CONCERNING THE CHICAGO, DANVILLE &amp; VINCENNES RAILWAY COMPANY.

§ 1. *Be it ordained by the City Council of the City of Danville,* that the right of way over, across and upon Depot street in said city, being the first street east of Jackson street, be and the same is hereby granted unto the Chicago, Danville & Vincennes Railroad Company, its successors and assigns forever, together with the right to erect, construct, operate and forever maintain its main and side tracks thereon throughout the entire length thereof from Main street to the northern terminus of said street.

§ 2. That the grant hereinbefore made be and is upon the express condition that the said Chicago, Danville & Vincennes Railroad Company, its successors and assigns, use said street for the purpose aforesaid so as not to interfere with the passage of teams along or across the same, and that they keep the said main and side tracks planked between rails at the intersection of other streets and alleys with said Depot street the full width of the streets, alleys and sidewalks of said intersecting streets, so as to afford safe and convenient crossings for teams and pedestrians; and also upon condition that said railroad company, its agents, successors and assigns conform to and obey all ordinances of said city regulating railroads which are now in force or may hereafter be passed.

§ 3. That the city of Danville shall not, by reason of this grant, become liable for damages to person or persons owning property on said Depot street, by reason of this grant or the using of said street by the Chicago, Danville & Vincennes Railroad.

§ 4. That the mayor be and he is hereby authorized and required to enter into a written contract in the name of the said city of Danville with said railroad company, binding the parties respectively to the observance of the terms of this ordinance.

Passed and approved May 12, 1871.

## AN ORDINANCE

## CONCERNING THE DANVILLE, URBANA, BLOOMINGTON &amp; PEKIN RAILROAD.

§ 1. *Be it ordained by the City Council of the City of Danville,* That permission and authority is hereby given to the Danville, Urbana, Bloomington & Pekin Railroad Company to construct, erect, grade and maintain their track with necessary switches, turn-tables and side-tracks, from the point where said railroad crosses the North Fork of the Big Vermilion river, to the point where the same leaves the city on the eastern limits of the same, across the following streets and intermediate alleys: Mill street, Seminary street and alley north, Grant street and alley east, Chandler street and alley east, High or Kimber street, Harmon avenue, Williams street, Gilbert street, Oak street and alley east, and the street running parallel with the Toledo, Wabash & Western Railway Company.

§ 2. At the crossing of Mill street and Seminary street the said railroad company shall, within four weeks from the time they commence work on either of said streets, finish and complete the grading of the road at such points, and put up good and substantial bridges of wood or other material, of the width of sixteen feet, to be capable of supporting a moving weight of twenty five tons, and also build, fill up, repair and grade the said streets, so that there shall be an easy grade or approach from either end of said bridge, and to carry out the intentions of the city and said company, the said company hereby are permitted to raise the grade of Mill street not to exceed five and one-half feet, and Seminary street not to exceed four feet above the level of the present street beds at the points crossed.

§ 3. It shall be the duty of the said company in making the grade of said road across the streets aforesaid to do so with all practicable speed, and they are at no time to obstruct the streets of the city in the inhabited portions of the city, so that wagons, teams or foot passengers shall be obliged to travel more than one square to pass such obstruction. The said company shall, at its own expense, grade the streets over which their track crosses in such a manner that wagons and teams can cross their tracks by an easy grade to and from either side of their tracks, and shall make and at all times maintain good, substantial and safe crossings for general travel for wagons, teams, horses, cattle and foot passengers.



§ 4. That the said company shall at all times maintain and keep up, at their own expense, water ways, ditches, culverts, or other means of conducting water along or across their said track, sufficient to discharge or carry off all the water that may be carried to their cuts and fills by the streets and alleys of the city, and to so construct their embankments and cuts that such water may be discharged without injury or damage to private property or the streets and alleys of the city. It being one of the conditions of this grant by the city, that the said company shall at all times use, alter, maintain, and keep up at their own expense, such water ways, ditches, culverts, or other means of conducting the water that may be collected along their track by their ditches or embankments.

§ 5. That the said company shall at all times at their own expense keep in good and substantial repair the bridges erected and built by them, as well as the crossings of streets and alleys at this time laid out and opened, and shall repair and keep in good condition the grades by them made on the streets and alleys as aforesaid, and that whenever so required by the city council, shall extend and widen the bridges over their track on Mill and Seminary streets, so that the said bridges and grades thereto shall be of the same width of the said streets.

§ 6. That the right of way is hereby granted to the D., U., B. & P. Railroad Company, over, upon and along Davis street from the intersection of Oak street to the eastern terminus of Davis street, and also over, upon and along Clay street from a point twenty-two rods east of Hazel to the eastern terminus of Clay street, with the right to construct, maintain and use tracks for their railroad over, upon and along the portions of said streets above described, forever, on condition that said railroad company shall so construct their track as not to interfere with the travel on said streets, except by the passage of their trains; and also on the further condition that said company shall, in laying their said track on said streets, make and keep such streets always in a good and substantial condition for public travel, use and occupation; and also on the further condition that all streets and alleys now laid out, intersecting or entering the portions of said Davis and Clay streets used and occupied by said company, shall be so graded that the said Clay street may be entered and approached by an easy and convenient grade; and also on the further condition that said railroad company shall make and maintain the grade of the portions of Clay and Davis streets the same with the grade of said road, which said grade is hereby established as the grade of such portions of said streets; and also shall, at their own expense, build, erect, maintain, and keep in repair, the necessary ditches,

water ways, culverts, or other means of conducting water along or across their said track sufficient to discharge or carry off all the water that may be brought to their cuts and fills in said streets by the streets and alleys of the city; and so construct their embankments and cuts that such water may be discharged without injury or damage to private property or the streets and alleys of the city.

§ 7. That said railroad company in constructing their said road to Clay street, have permission and authority to construct, erect, grade and maintain their tracks, with necessary switches, turn-tables and side-tracks over and across Oak street and alley east; Williams street, Franklin street and alley east; Walnut street and alley east; Vermilion street and alley east; and Hazel street and alley east; and the streets and alleys east thereof, upon the same conditions on which the said right is granted over and across the streets and alleys west of Oak street.

§ 8. This ordinance shall not take effect until the said railroad company shall have entered into a bond with the city of Danville, to be filed with the city clerk and approved by the city council of said city, conditioned for the payment of any and all costs, expenses, fees, charges and damage, for which the said city of Danville may become or be held liable to any person or persons by reason of any act of said railroad company in laying down said track or tracks, or building such bridges or grading the streets and alleys of the city, and also for performing the requirements of this ordinance; and this ordinance shall not take effect until the said company shall have obtained the right of entry upon the premises of private parties adjacent to such streets as are hereby allowed to be used by said company, either by agreement with such private parties, or by process of condemnation under the statutes.

§ 9. That the said company shall at all times be liable to, and conform to, all ordinances of said city, in regard to the rate of speed of moving trains, and as to signals on crossing streets or other points, and to all ordinances in relation to railroads now or hereafter to be in force.

§ 10. That wherever the said railroad company shall have occasion to grade any of the streets and alleys of the city, the grade shall not be steeper than a raise of one foot in five.

Passed and approved April 20, 1869.

## AN ORDINANCE

## IN RELATION TO THE DANVILLE AND GRAPE CREEK RAILROAD COMPANY.

§ 1. *Be it ordained by the City Council of the City of Danville, County of Vermilion and State of Illinois:* That the Danville and Grape Creek Railroad Company, its successors, lessees or assigns, is hereby authorized, empowered and permitted to construct, operate and maintain a single or double track railway, in, upon and across the following streets, to be hereinafter named and at points hereinafter designated, to-wit: Griggs street, in said city, at a point four hundred and seventy-one and a half feet west of the center of the crossing of said Griggs and Collett streets in said city, thence south by east, in, upon and across all intervening alleys, until said line crosses Wellington street at a point five hundred and ninety feet west of Collett street; thence south by east, in, upon and across all intervening alleys, until said line crosses Seminary street in said city, at a point five hundred eight and a half feet west of the center of Collett street; thence south by east, in upon and along all intervening alleys, until said line crosses Herman street at a point four hundred feet west of the center of said Collett street; thence south by east, in, upon and across all intervening alleys, until said line crosses Anderson street at a point one hundred and nineteen and a half feet south of the junction of Anderson and Herman streets; thence south by east, in, upon and across all intervening alleys, until said line crosses Collett street at a point nine hundred and fifty feet north of east Main street, or what is known as the Covington road in said city of Danville; thence south by east to a point where the said line crosses east Main street at a point five hundred and nineteen feet east of the center of the junction of Collett and Main streets in said city; thence south by east to a point where said line is surveyed and designated to a point where said line crosses Bowman Avenue, nine hundred and twenty-nine and a half feet on a direct line south of the center of east Main street, known as the Covington road, in the said city of Danville. *However*, upon the following conditions, limitations, restrictions and provisions, and all other conditions, limitations, restrictions and provisions, that may hereafter be lawfully imposed upon said company, its lessees, successors, operators or assigns, that is to say:

§ 2. That the right of way hereby granted to the Danville and Grape Creek Railroad Company, in, upon, over and across the

above mentioned streets and alleys, in the first section of this ordinance, is upon the following conditions: Said Danville and Grape Creek Railroad Company shall pay or cause to be paid, all damages incurred by any private property holder on account of the construction, maintenance or use of their railroad aforesaid, in, upon, over or across any of the said streets and alleys mentioned and named in the first section of this ordinance, and shall save and keep said city harmless from any and all loss, damages, suits or outlay of money or costs on account of or by reason of the construction or use of said railroad in, upon or across any of the above mentioned streets or intervening alleys by reason of a change of the present grade of the aforesaid streets and alleys crossed by said railroad, and for any other damages that may arise from the construction of said railroad in said city of Danville.

§ 3. That said Railway Company shall cross Collett street upon a bridge at the point heretofore designated in the first section of this ordinance: Said bridge to be erected and maintained at the said railways company's own expense and cost: Which said bridge shall have four (4) passage ways for carriages and wagons, each of which shall be not less than twelve (12) feet in width with an opening under said bridge from the grade of said street to the bottom of the sills of said bridge above mentioned, of not less than twelve (12) feet, and a sidewalk passage way on either side of said street under said bridge of the same height, and not less than eight (8) feet wide, to be erected and maintained by said railroad company at its own expense: The supports of the aforesaid bridge are to be placed parallel with the length of said street, and said railroad company, its lessees and assigns, are expressly prohibited from encroaching or placing any earthwork or obstructions of any kind or character in, upon or along any of the above mentioned streets and alleys, except the supports of said bridge, and they, the said supports, are not to occupy a space in width to exceed eighteen (18) inches of any one of said supports. The said railroad company, its lessees, successors and assigns, are expressly prohibited from placing any frogs or connections of their main track with any side track in, upon or across any of the aforesaid streets or alleys.

§ 4. That said company shall grade said streets and alleys over, across and along where their said railway passes, in accordance with the survey and profile herunto attached, marked Exhibit "A" and "B," and made a part of the fourth section of this ordinance. (Original ordinance with exhibits attached on file in city clerk's office.) That said roadway of said company, where the same crosses any and

all streets and alleys in said city, shall be so graded that said streets and alleys may be entered and approached by an easy grade as to ingress and egress, both as to carriage-ways and sidewalks, and also on the further condition: That said railway company shall, at its own expense, build, maintain and keep in repair the necessary ditches, water-ways, culverts or other means of conducting water along or across their said track or tracks, sufficient to discharge or carry off all the water that may be brought to their cuts and fills on said street or by other streets and alleys of said city, and to so construct their embankments and cuts that such water may be discharged without injury or damage to private property or the streets and alleys of said city of Danville, and the city reserves the right to discharge the water off and from any of its streets and alleys into the said railroad company's ditches and water-ways aforesaid.

§ 5. It shall be the duty of said railroad company, in making the grade of its said roadway in, upon or across the streets and intervening alleys aforesaid, to do so with all practicable speed, and they are at no time to obstruct the streets of the said city in the construction of said roadway so that wagons, carriages, teams or foot passengers shall be obliged to travel more than one square to pass any such obstruction, nor for a longer time than three days.

§ 6. That after said roadway shall have been constructed, and said company, its lessees, successors or assigns, shall have begun to operate its or their said road over, across and upon said streets and intervening alleys within the limits of said city, it or they, at no time, shall obstruct the crossing of any of the said streets and intervening alleys, over, across or along which said railway line passes, by leaving their engine or engines, car or cars, train or trains standing on said streets or intervening alleys for a longer period than five minutes at any one time, except in case of accident or other fortuitous cause or circumstance.

§ 7. That said company, its lessees, successors or assigns, shall, at all times, be liable and conform to all ordinances of said city in regard to the rate of speed of moving trains and as to signals on crossing or other points, and to all ordinances in relation to railroads now or hereafter to be enacted by the city council in relation to railroads.

§ 8. That whenever the said railroad company shall grade or change the grade of any of the streets or alleys within the said city of Danville, said grade shall not be steeper than a rise of one foot in ten, nor with a decline or fall to the crossing of said roadway of over

one foot in ten, and all such grading or changing of grades shall be done under the supervision of the acting city engineer or his duly authorized deputy, and shall conform to his plans and specifications, and such grading or changing of grades shall be done at the expense of said railroad company.

§ 9. That the said Danville and Grape Creek Railroad Company shall enter into a bond in the sum of one hundred thousand (\$100,000) dollars to indemnify the said city of Danville and all who may be damaged by reason of the building, maintaining and operating of said railroad, with good and sufficient surety, to be filed with the city clerk and approved by the city council of said city, conditioned for the payment of any and all costs, expenses, fees, changes and damages, for which the said city of Danville may become liable or be held to any person by reason of any act of said railroad company in laying down said track or tracks, or building such bridge or bridges, or grading the streets and intervening alleys aforesaid, upon, over and across which said railroad company's line passes, and also for the performing of all other requirements of the ordinance and all other ordinances pertaining to railroads, or that may hereafter be passed in relation to railroads by the said city of Danville, also conditioned that said railroad company shall have first obtained the right of entry upon the premises of private parties adjacent to such streets and intervening alleys as are hereby allowed to be used by said company, either by agreement with such private parties or by process of condemnation under the statutes in such cases made and provided, and shall pay such damages as may be found to be due any private person or persons before entering upon and taking his or their property.

§ 10. That in the event said railroad company, its lessees, successors or assigns, shall fail or neglect or refuse to comply with any or either of the terms or conditions above set forth, or any part thereof, the city council of the city of Danville hereby reserves the right, and may, without notice to the said Danville and Grape Creek Railroad Company, its lessees, successors or assigns, person or persons operating said railroad track or tracks, revoke or repeal this ordinance so far as the same grants permission to use said streets and intervening alleys mentioned in the first section of this ordinance, and to require such track or tracks to be taken up and removed from and across said streets and intervening alleys in said city of Danville.

§ 11. This ordinance to be in full force and effect from and after its passage, approval, and of the filing and approval of the bond



required by the ninth section of this ordinance by the city council of the said city of Danville, Vermilion county, Illinois

Passed and approved this 10th day of April, A. D. 1880.

Attest:

A. C. FREEMAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

## AN ORDINANCE

IN RELATION TO THE CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY AND THE DANVILLE AND GRAPE CREEK RAILROAD COMPANY.

*Be it ordained by the City Council of the City of Danville,* That the Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company, their lessees, successors and assigns, are hereby authorized and permitted to construct, operate and maintain a single or double railroad track and side-tracks in, upon, through and along Junction street in said city, from the Indiana, Bloomington and Western railroad north to the intersection of Collett street, and also across such streets and alleys as the line of said railroads crosses: *However,* Upon the following terms and conditions, limitations and restrictions, and none other—that is to say:

§ 1. Said Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company shall pay all damages incurred by any property holder on account of the construction or use of their said railroads in, upon, through and along said Junction street, or on account of the crossing of any streets and alleys of said city, and save and keep said city harmless from all loss, damage, suits or outlays of money or costs, on account of or by reason of the construction or use of the aforesaid railroads in, upon, through and along Junction street or across the aforesaid streets and alleys.

§ 2. Said Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company shall immediately grade and fill said Junction street the full width of said street, and up to the level of the grade of said railroad tracks from the Indiana, Bloomington and Western railroad north to the intersection of Col-



lett street, and said railroad companies, their lessees, successors and assigns, shall, at all times hereafter, repair, keep and maintain the grade of said street in its full width up to the level of the grade of said railroad tracks.

§ 3. Said Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company, their lessees, successors or assigns, shall, at all times, conform to, comply with and abide by all ordinances now in force or that may be hereafter enacted by the city authorities for the government of railroads within said city, and also comply with any requirements which said city council may hereafter enact under its special charters or by general laws of the state now in force or hereafter passed with respect to said Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company in particular or for the government of the railroads within the city generally.

§ 4. That in the event that said railroad companies, their lessees, successors or assigns, shall fail, neglect or refuse to comply with any or either of the terms or conditions above set forth, or any part thereof, the city council of the city of Danville hereby reserves the right, and may, without notice to any or either of the said companies or corporations, person or persons operating said railroad track or tracks as aforesaid, revoke or repeal this ordinance so far as the same grants permission to use Junction street from the Indiana, Bloomington and Western railroad north to the intersection of Collett street for said track or tracks as aforesaid, or to cross said streets and alleys.

This ordinance to take effect from and after its passage and due publication: *Provided*, The Chicago and Eastern Illinois Railroad Company open, or cause to be opened, and dedicate or otherwise convey to the city of Danville that portion of Section street north of the Evansville, Terre Haute and Chicago railroad to Fairchild street; also secure to the city of Danville the right of way along and across the Evansville, Terre Haute and Chicago railroad, and the Indiana, Bloomington and Western railroad, the same to be done without any expense to the city of Danville, and when said Section street is dedicated or deeded to the city, and the right of way over the above railroads is granted to the city, then this ordinance to be in full force and effect.

Passed and approved this 4th day of November, A. D. 1880.

Attest:

A. C. FREEMAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

## AN ORDINANCE

TO ESTABLISH A PUBLIC LIBRARY AND READING ROOM.

§ 1. *Be it ordained by the City Council of Danville,* That there be established and maintained in the city of Danville a public library and reading room, for the use and benefit of the inhabitants of said city.

§ 2. That the said public library and reading room be organized and maintained under and in accordance with the provisions of an Act of the General Assembly of the State of Illinois, entitled "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms." Approved and in force March 7, 1872.

§ 3. That the mayor of said city shall proceed to appoint a board of directors to organize said library and reading room, as by law required.

Passed and approved this 6th day of July, A. D. 1882.

Attest:

A. C. FREEMAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

## AN ORDINANCE

IN RELATION TO THE DANVILLE GAS LIGHT COMPANY.

§ 1. *Be it ordained by the City Council of the City of Danville,* That the Danville Gas Light Company, their successors, associates and assigns are hereby authorized and empowered with full power and authority exclusively to manufacture, sell and dispose of gas, coke and tar made from any and all of the substances from which inflammable gas, coke and tar can be obtained and be used for the purpose of lighting the city of Danville or the [streets] thereof, and public places or houses therein contained and other places in the vicinity, and to erect and maintain all the necessary works and apparatus therefor.

§ 2. That said Danville Gas Light Company are hereby empowered and authorized to build, erect and maintain structures, buildings and apparatus necessary or incident or suitable to their convenience, within the corporate limits of the city, and also with full and exclusive power and authority to excavate and dig and lay pipes, mains or sub-mains for the purpose of conducting gas in any of the streets, avenues, alleys, highways, public grounds, sidewalks or other public places in said city or elsewhere, with full power and authority to maintain the said pipes, mains and sub-mains in any of such streets, avenues, alleys, highways, public grounds, sidewalks or other public places in said city or elsewhere, and to repair, remove, change or re-locate such pipes, mains or sub-mains, and to do the digging and excavating instant [incident] thereto at such times and in such manner as said Danville Gas Light Company may deem proper: *Provided*, always, that said Gas Light Company exercise the rights and powers herein granted in such manner as to do no permanent injury or damage to any such streets, avenues, alleys, highways, public grounds, sidewalks or other public places in said city, and that after they shall have dug or excavated therein, and laid, altered, changed, repaired or re-located any of their pipes, mains or sub-mains therein, they shall restore the premises excavated or dug to its former condition without delay.

§ 3. That the said Danville Gas Light Company, its successors or assigns, shall not allow any excavation, ditch or trench more than fifteen rods in length, in any one street or alley in the said city of Danville, at any one time, to remain open, uncovered, or in any manner exposed.

§ 4. That whenever the said Danville Gas Light Company, its successors or assigns, shall dig, ditch, trench or excavate any street or alley in the said city of Danville, for the purposes of laying down its pipes, mains or sub-mains, or for any purpose whatever, it shall be the duty of the said Danville Gas Light Company, its successors or assigns, to immediately repair such street or alley, and to restore and replace the same to a condition equal to that in which the same previously existed.

§ 5. That should the Danville Gas Light Company, its successors or assigns, suffer or permit any ditch, trench or excavation to remain open, uncovered, or in any manner exposed during the night, the same shall be protected by a substantial railing or other barricade, and by a lighted lantern suspended at each end thereof, and that it

shall be unlawful for any ditch, trench or excavation across or over any sidewalk in the said city of Danville to remain open or in any manner exposed during the night time.

§ 6. That the manner in which the said Danville Gas Light Company, its successors and assigns, shall lay the pipes, mains and sub-mains across any of the sewers or ditches or alleys of the said city of Danville, shall be under the direction of the committee on streets and alleys of the city council, and of the city engineer of the said city of Danville.

§ 7. That for each violation of the provisions of this ordinance by the said Danville Gas Light Company, its successors or assigns, or by its agents, workmen or employees, the said Danville Gas Light Company, its successors or assigns, shall be liable to and shall pay a penalty of not less than five dollars.

Passed and approved August 11, 1870.

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## AN ORDINANCE

AUTHORIZING THE CONSTRUCTION AND OPERATION BY THE CITIZENS' STREET RAILWAY COMPANY OF DANVILLE, ILLINOIS, OF STREET RAILWAYS UPON CERTAIN STREETS IN THE CITY OF DANVILLE.

§ 1. *Be it ordained by the City Council of the City of Danville,* That there is hereby granted to the Citizens' Street Railway Company of Danville, Illinois, a corporation duly organized under the statutes of the state of Illinois, its successors and assigns, the right to build, operate and maintain a single or double track street railway with all convenient turnouts, turntables, switches and side tracks, in any or all of the following named streets in said city of Danville, viz: Commencing at the center of west main street, at its eastern terminus, thence on a curve through the public square to the center of north Vermilion street; also commencing at the center of east Main street at its western terminus, thence on a curve through the public square to the center of north Vermilion street, thence north on said Vermilion street to the city limits. On Madison street, commencing at the center of Vermilion street at the intersection thereof with Madison street, thence west on Madison street to the west side of

Mill street. On Williams street, commencing at the intersection thereof with Gilbert street, thence on Williams street to Junction Avenue, thence north on Junction Avenue to the right of way of the Indiana, Bloomington & Western Railway Company.

The said Street Railway Company shall begin the construction of said railway in good faith within thirty days from the passage of this ordinance, and it shall be completed and in operation on or before one year from the passage of this ordinance: *Provided*, That if said company should be delayed by the order or injunction of any court of competent jurisdiction from completing said railway, the time of said delay shall be excluded from the period herein prescribed for the completion of the same: *Provided, further*, That the said curves through the public square aforesaid, shall be established under and by direction of the city council.

§ 2. The said company shall locate and build its tracks as near the center of said streets as possible, and shall build its tracks so that the top of the rails shall be level with the surface of the streets, as they now are or may be, at the time its tracks are so built, and shall not be less than four foot gauge, and if any time the city council shall establish a grade on any of said streets, or parts thereof upon which said tracks are built, or should change the grade already established, the said company shall, at its own expense, raise or lower its tracks so as to conform to such grade.

§ 3. The said company shall either plank, gravel, macadamize or pave the said streets between the rails of its said tracks, and for the distance of at least one foot on the outside of each line of rail, and shall thereafter keep the same in repair and good condition: *Provided*, That should said city, at any time during the existence of this grant, pave or macadamize the part of either of said streets occupied by said railway tracks, the said company shall likewise pave or macadamize the part of said streets between the rails of its tracks, and for a like distance on the outside as aforesaid, so as to conform to the balance of said streets.

§ 4. The said company shall also make substantial and suitable conduits and gutters whenever necessary to carry off the water under and along the tracks of its road, and shall keep the same in good condition and repair.

§ 5. The tracks of said railway shall be so made and maintained that all vehicles can easily and freely cross said tracks at any and all points with the least obstruction possible.

§ 6. All vehicles may pass over and upon said tracks, in such manner as shall not injure the same, or obstruct or impede or delay the movement or running of cars thereon. And whoever shall drive any vehicle over and along said tracks in such manner as to injure the same, or in front of any car thereon so as to delay or hinder the running of such car, and shall neglect or refuse to drive off of said track when requested to do so by any officer, agent or employee of said company, or when notified to do so by the repeated ringing of the gong or bell on such car, shall be fined in any sum not exceeding twenty-five dollars for each offense.

§ 7. The rate of fare on any continuous route within the limits of said city shall not exceed five cents.

§ 8. The right to operate and maintain said street railway upon said streets by said company shall extend for the period of twenty years from the passage of this ordinance.

§ 9. The city council reserves the right, at any time after the expiration of ten years from the passage of this ordinance, to order and direct said company, within a reasonable time thereafter, to relay such parts of the tracks of said railway within the limits of said city with tram or flat rails, as may be prescribed by said council.

§ 10. Said company shall save and keep harmless the said city from all damage caused to any person or property by reason of the building, maintaining and operation of its said railway, and shall fully pay and compensate said city for all loss and damage it may sustain by reason of the said building, maintenance and operation of said railway.

§ 11. The building of said street railway by said company upon said streets shall be considered as an acceptance by said company of the conditions and provisions of this ordinance.

This ordinance to be in force after its publication as provided by law.

Passed and approved this July 12th, 1883.

Attest:

A. C. FREEMAN,  
[SEAL.] City Clerk.

L. T. DICKASON,  
Mayor.

I, Alfred C. Freeman, city clerk of the city of Danville, Illinois, hereby certify that the foregoing ordinance was published in "The Danville Leader," (the same being a newspaper published in said city of Danville,) dated July 20th, A. D. 1883.

A. C. FREEMAN, City Clerk.

## AN ORDINANCE

AUTHORIZING THE MERCHANTS' ELECTRIC LIGHT AND POWER COMPANY, OF DANVILLE, ILLINOIS, TO ERECT AND MAINTAIN TOWERS, MASTS, POLES, WIRE AND MACHINERY TO USE AND OPERATE AN ELECTRIC LIGHTING SYSTEM ALONG THE STREETS, ALLEYS, PUBLIC WAYS, AND UPON THE PUBLIC GROUNDS IN THE CITY OF DANVILLE.

§ 1. *Be it ordained by the City Council of the City of Danville, Illinois,* That the Merchants' Electric Light and Power Company, of Danville, Illinois, a body corporate under the laws of Illinois, be and is hereby permitted to erect and maintain, for the period of ninety-nine (99) years from the passage of this ordinance, upon the streets, alleys, public ways, and upon the public grounds of said city, and upon such private ground as it may have the right to occupy, such towers, masts, poles or standards, and use thereon such wires, cables, lamps, devices or other electrical conductors as may be necessary for the efficient operation of the electric lighting system: *Provided,* That all appliances and contrivances for such purpose shall be so constructed and maintained as not to unnecessarily interfere with the public use of any of said streets, alleys, ways or public grounds, and not to endanger life or injure private property; and that said wires and cables, so placed upon said masts, towers, poles and standards, shall be at least twenty feet distant from the surface grade of said streets, alleys, ways and public grounds; and, further, that said masts, towers, poles and standards shall be painted within a reasonable time after erection, and thereafter be kept painted.

§ 2. That said company shall forever indemnify and hold harmless the said city of Danville against all loss and damage any person or corporation may suffer from the acts of said company, its agents, servants, employees, contractors, attorneys or solicitors, or which may result, directly or indirectly, from the passage of this ordinance and the privileges granted thereby.

§ 3. The privileges and obligations of this ordinance shall extend to and be binding upon the successors and assigns of said Merchants' Electric Light and Power Company.

§ 4. Any person, not authorized by said company, who shall climb upon or in any manner deface or injure any tower, mast, pole,



standard, lamp, wire, cable, or any appliance or machinery connected with the operation of said system of lighting, shall be fined not less than three dollars, nor more than one hundred dollars.

§ 5. This ordinance shall be in force from and after its passage.

Passed and approved this 6th day of March, A. D. 1884.

Attest :

A. C. FREEMAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

The foregoing ordinance was published in "The Danville Leader," (the same being a newspaper published in said city of Danville,) dated Friday, March 21, 1884.

A. C. FREEMAN,  
City Clerk.

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## AN ORDINANCE

FIXING THE HEIGHT AND LOCATION OF THE ELECTRIC LIGHT  
TOWERS IN THE CITY OF DANVILLE, ILLINOIS.

*Be it ordained by the City Council of the City of Danville, Illinois,*  
That the six electric light towers to be established by the Merchants' Electric Light and Power Company, as heretofore provided by contract and ordinance, shall be of the height and located as follows in said city :

One on the public square, one hundred and twenty-five feet high.

One on the corner of Madison and Franklin streets, one hundred and twenty-five feet high.

One on the southeast corner of Tinchertown school lot, one hundred and twelve feet high.

One on the southeast corner of Jackson street school lot, one hundred and twelve feet high.

One on the south side of Seminary street, west of Danville and Olney railroad, on the railroad property, one hundred and twelve feet high.

One on the corner of Elizabeth street and Chestnut street, one hundred and twelve feet high.

Passed and approved April 3d, A. D. 1884.

Attest:

A. C. FREEEAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

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## AN ORDINANCE

AUTHORIZING THE CONSTRUCTION AND OPERATION BY THE CITIZENS' STREET RAILWAY COMPANY, OF DANVILLE, ILLINOIS, OF A STREET RAILWAY UPON MAIN STREET, AND EXTENSIONS THEREOF IN THE CITY OF DANVILLE, ILLINOIS.

§ 1. *Be it ordained by the City Council of the City of Danville,* That there is hereby granted to the Citizens' Street Railway Company, of Danville, Illinois, a corporation duly organized under the statutes of the State of Illinois, its successors and assigns, the right to build, operate and maintain a single or double track street railway, with all convenient turn-outs, turn-tables, switches and side-tracks, in and upon the following described part of Main street and extension thereof in said city, viz: Commencing at the north end of the covered bridge over the Vermilion river; thence in a northwesterly and a northeasterly direction on what was originally a state road, called the Chicago and Vincennes road, to the west end of Main street, or the intersection thereof with Mill street; thence east on Main street to the city limits. The said street railway company to complete and have in operation said line of railway within one year from the date of the passage of this ordinance: *Provided,* That if said company should be delayed by the order or injunction of any court of competent jurisdiction from completing said railway, the time of said delay shall be excluded from the period herein prescribed for the completion of the same: *Provided, further,* That the track across and over the public square shall be located under and by direction of the city council.

§ 2. The said company shall locate and build its tracks as near the center of said streets as possible, and shall build its tracks so that the top of the rails shall be level with the surface of the streets, as

they now are or may be at the time its tracks are so built, and shall not be less than four feet guage, and if at any time the city council shall establish a grade on any of said streets, or parts thereof upon which said tracks are built, or should change the grade already established, the said company shall, at its own expense, raise or lower its tracks so as to conform to such grade.

§ 3. The said company shall either plank, gravel, macadamize or pave the said streets between the rails of its said tracks, and for the distance of at least one foot on the outside of each line of rail, and shall thereafter keep the same in repair and good condition: *Provided*, That should said city, at any time during the existence of this grant, pave or macadamize the part of either of said streets occupied by said railway tracks, the said company shall likewise pave or macadamize the part of said streets between the rails of its tracks, and for a like distance on the outside as aforesaid, so as to conform to the balance of said streets.

§ 4. The said company shall also make substantial and suitable conduits and gutters, whenever necessary, to carry off the water under and along the tracks of its road, and shall keep the same in good condition and repair.

§ 5. The tracks of said railway shall be so made and maintained that all vehicles can easily and freely cross said tracks at any and all points with the least obstruction possible.

§ 6. All vehicles may pass over and upon said tracks in such manner as shall not injure the same, or obstruct or impede or delay the movement or running of cars thereon. And whoever shall drive any vehicle over and along said tracks in such manner as to injure the same, or in front of any car thereon so as to delay or hinder the running of such car, and shall neglect or refuse to drive off of said track when requested to do so by any officer, agent or employee of said company, or when notified to do so by the repeated ringing of the gong or bell on such car, shall be fined in any sum not exceeding twenty-five dollars for each offense.

§ 7. The rate of fare on any continuous route within the limits of said city shall not exceed five cents.

§ 8. The right to operate and maintain said street railway upon said streets by said company shall extend for the period of twenty years from the passage of this ordinance.

§ 9. The city council reserves the right, at any time after the expiration of ten years from the passage of this ordinance, to order

and direct said company, within a reasonable time thereafter, to relay such parts of the tracks of said railway within the limits of said city with tram or flat rails, as may be prescribed by said council.

§ 10. Said company shall save and keep harmless the said city from all damage caused to any person or property by reason of the building, maintaining and operation of its said railway, and shall fully pay and compensate said city for all loss and damage it may sustain by reason of the said building, maintenance and operation of said railway.

§ 11. The building of said street railway by said company upon said streets shall be considered as an acceptance by said company of the conditions and provisions of this ordinance.

This ordinance to be in force after its publication as provided by law.

Passed and approved this 6th day of September, A. D. 1883.

Attest:

A. C. FREEMAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

[SEAL.]

I, Alfred C. Freeman, city clerk of the city of Danville, Illinois, hereby certify that the foregoing ordinance was published in "The Danville Leader," (the same being a newspaper published in said city of Danville, Illinois,) dated September 14th, 1883.

A. C. FREEMAN,  
City Clerk.

## AN ORDINANCE

IN RELATION TO THE DANVILLE GAS, ELECTRIC LIGHT AND STREET RAILWAY COMPANY, A CORPORATION, ORGANIZED UNDER THE LAWS OF THE STATE OF ILLINOIS.

*Whereas*, The Danville Gas, Electric Light and Street Railway Company, having presented its petitions to the city council of the city of Danville, Vermilion county, Illinois, for a grant of consent, and the right to it and to its successors and assigns, for the period of twenty years, to use, locate, lay down, construct, maintain and operate its road with single or double tracks, and all necessary siding, side tracks and other appurtenances, for any purpose of the business and management of its said road, and the right to propel its cars thereon by electricity or other proper motive power, together with the right to erect and maintain poles and over-head wires, and to maintain and construct conduits and tubes with all necessary manholes, surface plates, and switch and sewer connections beneath the surface of the streets and public square, together with all necessary equipments in the premises upon that part of Main street in the city of Danville, Illinois, extending from the west side of Mill street to the west side of the public square, and from the east side of the public square to the west side of the west track of the Wabash railroad, and upon that part of Main street extending east from the west side of the Wabash railroad to the city limits, and upon the said public square from the east and west sides thereof on regular curves to the north side of said public square; and upon that part of Vermilion street in said city, extending north from the north side of the public square to the city limits; and upon that part of English street, in said city, extending from Vermilion street to a point (50) fifty feet east of the entrance to the cemetery; and upon that part of Williams street extending from Vermilion street to the east side of Junction Avenue; and upon that part of Junction Avenue extending from the south side of Williams street to the right of way of the Chicago and Eastern Illinois Railroad Company; and upon that part of Park street lying between the south side of Main street and the north side of Chestnut street; and upon that part of Chestnut street lying between the west side of Park street and the east side of Buchanan street; and upon that part of Buchanan street lying between the north side of Chestnut street and the south side of West street; and upon that part of West street lying between the west side of

Buchanan street and the east side of Illinois street; and upon that part of Madison street lying between the west side of Vermilion street and the east side of Mill street; and upon that part of Chandler street lying south of Fairchild street; and upon that part of Fairchild street lying between Logan Avenue and Vermilion street; and at least ten days' public notice of the time and place of presenting such petitions having been first given by publication in the Danville News and the Danville Commercial, newspapers published in said city of Danville. And the owners of the land representing more than one half of the frontage of so much of said streets and avenues, respectively as is sought to be used for such street railroad purposes, and the owners of the land representing more than one half of the frontage of each mile, and of the fraction of a mile in excess of the whole mile measuring from the initial point named in their petitions, having presented to the said city council their petition for the consent, and grant, by said city council to the said Danville Gas, Electric Light and Street Railway Company, and and to its successors and assigns, petitioned for by said company. Therefore,

§ 1. *Be it ordained by the City Council of the City of Danville:*—That the right and privilege is hereby granted for a period and term of twenty years from the passage of this ordinance, to the Danville Gas, Electric Light and Street Railway Company, a corporation organized under the laws of Illinois, and to its successors and assigns, to locate, construct, own, operate and maintain for the term of years aforesaid a single or double track street railway, to be operated by electricity or any improved mode of propulsion not considered a public nuisance; with all proper and necessary turn-outs, sidings, side tracks, cross-overs, switches and other appurtenances in, along and upon the streets, grounds and bridges of said city as they now are or may hereafter be made, and in, upon and along the following named streets in said city, to-wit:

Main street, from the west side of Mill street to the west side of the public square and from the east side of the public square to the city limits, and along and upon the said public square from the east and west sides thereof on regular curves to the north side of said public square.

Vermilion street, from the north side of the public square north to the city limits.

English street, from Vermilion street to a point fifty (50) feet east of the entrance of the cemetery.

Williams street, from Vermilion street to the east side of Junction Avenue.

Junction Avenue, from the south side of Williams street to the right of way of the Chicago and Eastern Illinois Railroad, in a northerly direction, as far as the street railway now extends.

Park street, from the south side of Main street to the north side of Chestnut street.

Chestnut street, from the west side of Park street to the east side of Buchanan street.

Buchanan street, from the north side of Chestnut street to the south side of West street.

West street, from the west side of Buchanan street to the east side of Illinois street.

Madison street, from the west side of Vermilion street to the east side of Mill street.

Chandler street, lying south of Fairchild street.

Fairchild street, between Logan Avenue and Vermilion street, to use, maintain and operate the same, for, and in consideration of, and subject to the terms, conditions and limitations hereinafter described.

§ 2. The said Street Railway may be operated by the construction of the over head electric system or any other improved method of propulsion; the wire of which may be supported on wires at right angles to the center line of the street, or supported by poles planted in the sidewalk on the inside of the curb line, next the gutters of the street; the right to plant and maintain these poles is hereby granted. The gauge of all of said tracks shall be what is known as "standard gauge."

§ 3 The track or tracks shall be constructed in conformity with the surface of said street and public grounds existing at the time of its construction and as the grades may be thereafter from time to time established; the cross-ties, frame work and superstructure shall be imbedded below the surface of the street and shall be so constructed as to present the least practical interference with the travel and public use of said streets and public grounds, and the track or tracks shall be raised in such a manner as not to interfere with the free flow of water in the gutters that are now or may hereafter be built in said city, and they shall keep the streets between the rails and one foot outside of the track laid by it, level with the surface of the street and in good condition, so that carriages and other vehicles can easily and freely cross said track at any and all points, and that said



rails may be laid not more than one-half inch above the grade of the streets and public grounds; in all cases of dispute as to the proper condition or repair of any such track or tracks the decision of the Mayor, City Engineer and the Committee on Streets and Alleys of said city shall be final and conclusive; in case said company, its successors or assigns shall fail to make all repairs of said track, side track, switches, cross-overs, turn-outs, or turn-tables within ten days after written notice shall have been served upon any officer or employee of said company, its successor or assigns, then said city of Danville may make such repairs and charge the cost thereof upon the property, franchise and right of way of said company, its successors or assigns.

§ 4. Said company, its successors or assigns shall not charge more than five cents fare each way for each passenger between the termini of said street railway within said city or any fractional part thereof; and a proper and sufficient system of transfers from one street to another shall be constantly and effectively maintained; all cars shall stop at the further crossing for receiving and discharging passengers.

§ 5. All carriages and vehicles shall have a full and perfect right to travel over and along said tracks while not interfering with the travel of the cars thereon; but no person with carriage, vehicle or animal shall in any manner willfully and purposely interfere with the running of the cars on said tracks, nor in any way unnecessarily injure any of said tracks or delay any of said cars, under a penalty of not exceeding one hundred dollars for each offense.

§ 6. All poles erected in the streets of said city shall be straight, smooth and shapely and shall be kept neatly painted with good paint of a cheerful color, provided said poles may be painted black for a distance of eight feet from the surface of the street.

§ 7. No person shall be permitted to disfigure, mar or use said poles for the purpose of advertising anything, or for any other purpose whatever, without the consent of said company and the city council of said city; and any person who shall disfigure, mar, or in any manner interfere with said poles, or with said wires, shall be fined in any sum not exceeding one hundred dollars for each offense.

§ 8. The right to operate said railway shall extend to the full period of twenty years from the passage of this ordinance.

§ 9. The consent and authority given by this ordinance to the Danville Gas, Electric Light and Street Railway Company, its successors or assigns, to construct and operate said street railway, as

provided herein, is upon the express condition that said company, its successors or assigns, shall pay all damages to owners of property abutting upon the street, road, highway or public grounds upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road; the same may be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain; and the said company, its successors or assigns, shall save and keep harmless the said city of Danville from all damages which may be caused by reason of the location or construction of the road or roads.

§ 10. That at any time said city shall improve any of the streets upon which said company, its successors or assigns, has laid any of its tracks, by paving the same, said company, its successors or assigns, shall, at the same time and in the same manner, pave and improve the right of way hereby granted, at its own expense; which paving shall include the space between the tracks of said street railway, and for the space of one foot on the outside of the outside rail thereof.

§ 11. That at any time said company, its successors or assigns, shall lay any of its tracks upon any street which has theretofore in whole or in part been paved or improved, by special tax upon the property abutting upon such street or part of street, the said company, its successors or assigns, shall pay to such property holders as have paid such special tax an amount equal to the cost of paving between the tracks, and for one foot on the outside of each line of track along the entire frontage owned by any such property holder along which such street may have been paved.

§ 12. Said company, its successors or assigns, shall not at any time run their cars through or otherwise unnecessarily disturb any funeral procession or any public parade.

§ 13. That said company, its successors or assigns, shall be allowed to build and keep in operation suitable power houses and car houses within the city limits of the said city of Danville for the operation of their plant or plants: *Provided, however,* That such houses shall conform to and be built in accord with any fire ordinance in force in said city.

§ 14. That said company, its successors or assigns, are hereby authorized to run its cars, for the transportation of passengers, over and along their said track at a rate of speed not exceeding fifteen miles per hour: *Provided, however,* That said speed within the fire limits of said city shall not exceed ten miles per hour.

§ 15. The franchise and privileges granted to the said company, its successors and assigns, are given upon the express and positive understanding and with the distinct reservation that the right to lay its tracks upon Vermilion street and Main street, as hereinbefore granted, is not exclusive, but said right is given by the city and accepted by said company, its successors or assigns, upon condition that any person, persons or company who may desire to lay a track or tracks upon either of said streets, or upon any part thereof, and operate and run a line of street cars thereon, and who shall be granted the privilege and franchise so to do by the city council of the said city, may, jointly with said company, its successors or assigns, use the track or tracks, and all wires, apparatus and machinery necessary to propel cars and operate a line of street railway on said streets, or either of them or any part thereof, upon such person, persons or company paying to said Danville Gas, Electric Light and Street Railway Company, its successors or assigns, one-half of the cost of such track or tracks, and of all such wires, apparatus and machinery which such person, persons or company may desire to use to propel their cars, and also pay one-half of the value of all paving done by said company and its successors or assigns, which may be in use at the time when such person, persons or company may begin to use such track or tracks.

§ 16. That the said Danville Gas, Electric Light and Street Railway Company or its assigns shall begin work upon such street railway system within thirty days after the passage of this ordinance, and have a line of cars fully equipped and in daily operation on all lines covered by this franchise by September 1st, 1892, or forfeit all rights and privileges granted by this ordinance: *Provided*, That if said company, its successors or assigns, shall be delayed by the order or injunction of any court of competent jurisdiction from completing said lines of street railway, the time of such delay shall be excluded from the time herein specified for the completion of the same.

§ 17. Said company, its successors or assigns, shall provide sufficient cars to run cars on each and every line or street herein named, and shall run such cars at intervals not exceeding one hour apart each way during each day; in case cars shall be taken from one line and put upon another line on public days, said company, its successors or assigns, shall run cars each way upon every line operated by it during such days at intervals not exceeding said space of one hour, and in case of a failure so to do shall pay a fine of not less than twenty dollars for each offense: *Provided*, Nothing herein contained shall require the payment of such fine when said cars cannot be run

by reason of breakdowns, storms or other unavoidable cause; *And provided, further*, That nothing herein contained shall be so construed as to compel said company, its successors or assigns, to run its cars on Sunday against their will.

§ 18. That said company shall cause to be lighted and comfortably heated in the winter time its cars on all its lines operated under this franchise, and shall have and maintain at the end of its cars good and sufficient guards.

§ 19. The expense of publication of this ordinance shall be borne by the said company, its successors or assigns.

§ 20. This ordinance to be in full force and effect from and after its passage and due publication.

Passed and approved this 3d day of July, A. D. 1891.

Attest:

JOSEPH SHATZ,  
City Clerk.

JOHN BEARD,  
Mayor.

I, Joseph Shatz, city clerk of the city of Danville, Illinois, do hereby certify that the above and foregoing ordinance was published in "The Danville Daily News," (a newspaper published in said city and state,) dated July 8th, 1891.

JOSEPH SHATZ,  
City Clerk.

## AN ORDINANCE

GRANTING TO JAMES R. KENDALL AND ASSOCIATES, THEIR SUCCESSORS OR ASSIGNS, CONSENT AND THE RIGHT TO USE, LOCATE, LAY DOWN, CONSTRUCT, MAINTAIN AND OPERATE SINGLE OR DOUBLE TRACKS AND ALL NECESSARY SIDING, SIDE TRACKS, TURN OUTS, CROSS-OVERS, SWITCHES AND OTHER APPURTENANCES UPON MAIN AND OTHER STREETS IN THE CITY OF DANVILLE, VERMILION COUNTY, ILLINOIS, AND ALSO THE RIGHT TO ERECT, USE AND MAINTAIN POLES AND OVER-HEAD WIRES, AND TO BUILD, CONSTRUCT AND MAINTAIN UNDERGROUND CONDUITS AND TUBES WITH ALL NECESSARY MANHOLES, SURFACE PLATES, SEWER AND SWITCH CONNECTIONS BENEATH THE SURFACE OF SUCH STREET, FOR THE PURPOSE OF PROPELLING CARS THEREON BY ELECTRICITY OR OTHER PROPER MOTIVE POWER, AND OPERATING LINES OF STREET RAILWAY IN SAID CITY; AND ALSO THE RIGHT TO CONSTRUCT AND MAINTAIN, WITHIN THE LIMITS OF SAID CITY, FOR A PERIOD OF TWENTY YEARS FROM THE PASSAGE OF THIS ORDINANCE, ALL NECESSARY POLES, WIRES, BRACKETS, LAMPS AND MACHINERY TO FURNISH ELECTRIC LIGHT AND POWER FOR PUBLIC AND PRIVATE USE IN THE SAID CITY OF DANVILLE.

*Whereas*, James R. Kendall having presented his petitions to the city council of the city of Danville, Vermilion county, Illinois, for grant of consent and the right to him and his associates, their successors and assigns, for the period of twenty years, to use, locate, lay down, construct, maintain and operate its road with single and double tracks, and all necessary siding, side tracks and other appurtenances, for any purpose of the business and management of their said road, and the right to propel their cars thereon by electricity or other proper motive power, together with the right to erect and maintain poles and over-head wires, and to maintain and construct conduits and tubes with all necessary man-holes, surface plates, and switch and sewer connections beneath the surface of the streets and public square, together with all other necessary equipments in the premises upon the part of Main street in the city of Danville, Illinois, extending from the west side of Mill street east to Bowman avenue; upon the part of Vermilion street extending from the city limits south to Main street; upon the part of Washington avenue

extending from Main street north to Madison street; upon the part of Madison street extending from Washington avenue to Junction avenue; upon the part of Junction avenue extending from Madison street to the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railroad; upon the part of Wellington street extending from Junction avenue to Bowman avenue; upon the part of English street extending from Springhill cemetery to Grant street; upon the part of Grant street extending from English street to Fairchild street; upon the part of Fairchild street extending from Grant street to Logan avenue; upon the part of Logan avenue extending from Fairchild street to Mill street; upon Mill street extending from Logan avenue to Madison street; upon the part of Madison street extending from Mill street to Vermilion street; upon the part of College street from Main street to Green street; upon the part of Green street extending from College street to Buchanan street; upon the part of Buchanan street extending from Green street to West street; and upon the part of West street extending from Buchanan street to Douglas park, and at least ten days' public notice of the time and place of presenting such petitions having been first given by publication in the Danville Daily Press, a newspaper published in said city of Danville. And the owners of the land representing more than one-half of the frontage of so much of said streets and avenues respectively, as is sought to be used for such street railroad purposes, and the owners of land representing more than one-half of the frontage of each mile, and of the fraction of a mile in excess of the whole mile measuring from the initial point named in their petitions having presented to said city council their petitions for the consent and grant, by said city council to the said James R. Kendall and associates, their successors or assigns, petitioned for by said James R. Kendall. Therefore,

§ 1. *Be it ordained by the City Council of the City of Danville,* That the right and privilege is hereby granted for a period and term of twenty years from the passage of this ordinance to James R. Kendall and associates, their successors or assigns to locate, construct, own, operate and maintain for the term of years aforesaid, a single or double track street railway, to be operated by electricity or any improved mode of propulsion, not considered a public nuisance, with all proper and necessary turn-outs, sidings, side tracks, cross-overs, switches and other appurtenances in, along and upon the streets, grounds and bridges of said city as they now are or may hereafter be made, and in, upon and along the following named streets, to-wit:



Main street, from the west side of Mill street east to Bowman avenue.

Vermilion street, from the city limits south to Main street.

Washington avenue, from Main street north to Madison street.

Madison street, from Washington avenue to Junction avenue.

Junction avenue, from Madison street to the right of way of the Cleveland, Cincinnati, Chicago & St. Louis railroad; Wellington street, from Junction avenue east to Bowman avenue; English street, from Springhill cemetery to Grant street; Grant street from English street to Fairchild street; Fairchild street, from Grant street to Logan avenue; Logan avenue, from Fairchild street to Mill street; Mill street, from Logan avenue to Madison street; Madison street from Mill street to Vermilion street; College street from Main street to Green street; Green street from College street to Buchanan street; Buchanan street from Green street to West street; West street from Buchanan street to Douglas park; as they now are or may hereafter be made; and to use, maintain and operate the same, for, and in consideration of, and subject to the terms, conditions and limitations hereinafter prescribed.

§ 2. The said street railway may be operated by the construction of the over-head electric system or any other improved method of propulsion; the wire of which may be supported on wires at right angles to the center line of the street, or supported by poles planted in the sidewalk on the inside of the curb line, next the gutters of the street; the right to plant and maintain these poles is hereby granted. The gauge of all of said tracks shall be what is known as "standard gauge."

§ 3. The track or tracks shall be constructed in conformity with the surface of said street and public grounds existing at the time of its construction and as the grades may be thereafter from time to time established; the cross-ties, frame-work and superstructure shall be imbedded below the surface of the street and shall be so constructed as to present the least practical interference with the travel and public use of said streets and public grounds, and the track or tracks shall be raised in such a manner as not to interfere with the free flow of water in the gutters that are now or may hereafter be built in said city, and they shall keep the streets between the rails, and one foot outside of the track laid by it, level with the surface of the street, and in good condition, so that carriages and other vehicles can easily and freely cross said track at any and all points, and that said rails may be laid not more than one-half inch.



above the grade of the streets and public grounds; in all cases of dispute as to the proper condition or repair of any such track or tracks the decision of the mayor, city engineer and the committee on streets and alleys of said city shall be final and conclusive; in case said James R. Kendall and associates, their successors or assigns, shall fail to make all repairs of said tracks, side-track, switches, cross-overs, turn-outs, or turn-tables within ten days after written notice shall have been served upon any officer or employee of said James R. Kendall and associates, their successors or assigns, then said city of Danville may make said repairs and charge the cost thereof upon the property, franchise and right of way of said James R. Kendall and associates, their successors or assigns.

§ 4. Said James R. Kendall and associates, their successors or assigns shall not charge more than five cents fare each way for each passenger between the termini of said street railway within said city or any fractional part thereof; and a proper and sufficient system of transfers from one street to another shall be constantly and effectively maintained; all cars shall stop at the further crossing for receiving and discharging passengers.

§ 5. All carriages and vehicles shall have a full and perfect right to travel over and along said tracks while not interfering with the travel of the cars thereon; but no person with carriage, vehicle or animal shall in any manner willfully and purposely interfere with the running of the cars on said tracks, nor in any way unnecessarily injure any of said tracks or delay any of said cars, under a penalty of not exceeding one hundred dollars for each offense.

§ 6. All poles erected in the streets of said city shall be straight, smooth and shapely and shall be kept neatly painted with good paint of a cheerful color, provided said poles may be painted black for a distance of eight feet from the surface of the street.

§ 7. No person shall be permitted to disfigure, mar or use said poles for the purpose of advertising anything, or for any other purpose whatever, without the consent of said company and the city council of said city; and any person who shall disfigure, mar, or in any manner interfere with said poles, or with said wires, shall be fined in any sum not exceeding one hundred dollars for each offense.

§ 8. The right to operate said railway shall extend to the full period of twenty years from the passage of this ordinance.

§ 9. The consent and authority given by this ordinance to James R. Kendall and associates, their successors or assigns, to construct

and operate said street railway, as provided herein, is upon the express condition that said James R. Kendall and associates, their successors or assigns, shall pay all damages to owners of property abutting upon the street, road, highway or public grounds upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road; the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain; and the said James R. Kendall and associates, their successors and assigns, shall save and keep harmless the said city of Danville from all damages which may be caused by reason of the location or construction of the road or roads.

§ 10. That at any time said city shall improve any of the streets upon which said James R. Kendall and associates, their successors or assigns, have laid any of their tracks, by paving the same, said James R. Kendall and associates, their successors or assigns, shall, at the same time and in the same manner, pave and improve the right of way hereby granted, at their own expense; which paving shall include the space between the tracks of said street railway, and for the space of one foot on the outside of the outside rail thereof.

§ 11. That at any time said James R. Kendall and associates, their successors or assigns, shall lay any of their tracks upon any street which has theretofore in whole or in part been paved or improved, by special tax upon the property abutting upon such street or part of street, the said James R. Kendall and associates, their successors or assigns, shall pay to such property holders as have paid such special tax an amount equal to the cost of paving between the tracks, and for one foot on the outside of each line of track along the entire frontage owned by any such property holder along which such street may have been paved.

§ 12. Said James R. Kendall and associates, their successors or assigns, shall not at any time run their cars through or otherwise unnecessarily disturb any funeral procession or any public parade.

§ 13. That said James R. Kendall and associates, their successors or assigns, shall be allowed to build and keep in operation suitable power houses and car houses within the city limits of the said city of Danville for the operation of their plant or plants: *Provided, however,* That such houses shall conform to and be built in accord with any fire ordinance in force in said city.

§ 14. That said James R. Kendall and associates, their successors or assigns, are hereby authorized to run their cars, for the transportation of passengers, over and along their said track at a rate of speed

not exceeding fifteen miles per hour: *Provided, however,* That such speed within the fire limits of said city shall not exceed ten miles per hour.

§ 15. The franchise and privileges granted to the said James R. Kendall and associates, their successors and assigns, are given upon the express and positive understanding and with the distinct reservation that the right to lay their tracks upon Vermilion street and Main street, as hereinbefore granted, is not exclusive, but said right is given by the city and accepted by said James R. Kendall and associates, their successors and assigns, upon condition that any person, persons or company who may desire to lay a track or tracks upon either of said streets, or upon any part thereof, and operate and run a line of street cars thereon, and who shall be granted the privilege and franchise so to do by the city council of the said city, may, jointly with said James R. Kendall and associates, their successors and assigns, use the track or tracks, and all wires, apparatus and machinery necessary to propel cars and operate a line of street railway on said streets, or either of them or any part thereof, upon such person, persons or company paying to said James R. Kendall and associates, their successors or assigns, one-half of the cost of such track or tracks, and of all such wires, apparatus and machinery which such person, persons or company may desire to use to propel their cars, and also pay one-half of the value of all paving done by said James R. Kendall and associates, their successors or assigns, which may be in use at the time when such person, persons or company may begin to use such track or tracks.

§ 16. The said James R. Kendall and associates, their successors or assigns shall begin work upon such street railway system within a reasonable time after the passage of this ordinance, and have a line of cars fully equipped and in daily operation to the Junction; to Douglas Park; to Lincoln Park; to Springhill Cemetery, and to the east city limits on Main street by September 1st, 1892, or forfeit all rights and privileges granted by this ordinance: *Provided,* That if said James R. Kendall and associates, their successors or assigns, shall be delayed by the order or injunction of any court of competent jurisdiction from completing lines of street railway to said places, the time of such delay shall be excluded from the time herein specified for the completion of the same.

§ 17. Said James R. Kendall and associates, their successors or assigns, shall provide sufficient cars to run cars on each and every line or street herein named, and shall run such cars at intervals not exceeding one hour apart each way during each day; in case cars

shall be taken from one line and put upon another line on public days, said James R. Kendall and associates, their successors or assigns, shall run cars each way upon every line operated by them during such days at intervals not exceeding said space of one hour, and in case of a failure so to do shall pay a fine of not less than twenty dollars for each offense: *Provided*, Nothing herein contained shall require the payment of such fine when said cars cannot be run by reason of breakdowns, storms or other unavoidable cause; *And provided, further*, That nothing herein contained shall be so construed as to compel said James R. Kendall and associates, their successors or assigns, to run their cars on Sunday against their will.

§ 18. *Be it further ordained*, That the right and privilege is hereby also granted to the said James R. Kendall and associates, their successors or assigns, to construct, operate and maintain within the limits of said city, as they now are or may hereafter be made, for a period of twenty years from the passage of this ordinance, all the necessary poles, wires, brackets, lamps and machinery to furnish electric light and power for public and private use in the said city of Danville, Illinois, subject to such reasonable regulations as the said city council may from time to time provide.

§ 19. The expense of publication of this ordinance shall be borne by the said James R. Kendall and associates, their successors or assigns.

§ 20. This ordinance to be in full force and effect from and after its passage and due publication.

Passed and approved this 2d day of July, 1891.

Attest:

JOSEPH SHATZ,  
City Clerk.

JOHN BEARD,  
Mayor.

## AN ORDINANCE

GRANTING THE RIGHT OF WAY OVER AND ALONG THE STREETS, AVENUES, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF DANVILLE, VERMILION COUNTY, STATE OF ILLINOIS, TO J. R. KENDALL, OF TERRE HAUTE, INDIANA, AND WILL BECKWITH, OF SAID CITY OF DANVILLE, THEIR ASSOCIATES, SUCCESSORS OR ASSIGNS TO LAY GAS MAINS AND PIPES AND MAINTAIN AND OPERATE GAS WORKS IN SAID CITY OF DANVILLE.

§ 1. *Be it ordained by the City Council of the City of Danville,* That J. R. Kendall of Terre Haute, Indiana, and Will Beckwith of Danville, Illinois, their associates, successors and assigns, are hereby authorized and empowered with full power and authority to manufacture, sell and dispose of gas, coke and tar in the city of Danville and its vicinity, and to erect and maintain all the necessary works and apparatus therefor.

§ 2. That J. R. Kendall and Will Beckwith, as aforesaid, their associates, successors and assigns subject to the restrictions hereinafter contained are hereby granted the right of way over, along, through and under the streets, avenues, alleys and public grounds of the said city of Danville for the purpose of laying their pipes under the supervision of the city engineer of said city of Danville, with the right to pipe, carry, convey and discharge gas or oil through their mains and pipes and to maintain the said mains and pipes or sub-mains in any of such streets, avenues, alleys and public grounds in said city or elsewhere, and to repair, remove or relocate such pipes, mains or sub-mains, and to do the digging and excavating incident thereto at such times and in such manner as the said J. R. Kendall and Will Beckwith, their associates, successors and assigns may deem proper: *Provided, always,* that said J. R. Kendall and Will Beckwith, their associates, successors and assigns shall exercise the rights and powers herein granted so as to do no permanent damages to said streets, alleys or public grounds so excavated, and after said mains, pipes or sub-mains shall have been located or changed they shall restore the premises excavated or dug to their former condition.

§ 3. The said J. R. Kendall and Will Beckwith, their associates, successors and assigns shall, before proceeding under section two (2) of this ordinance, execute to the city of Danville a bond signed by

at least two resident freeholders, in the penal sum of ten thousand dollars (\$10,000) to hold the city of Danville harmless from any injury to any person, or the property of any person, company or corporation, which may result from the negligence of the said J. R. Kendall and Will Beckwith, their associates, successors, employes and assigns while performing the work of laying the pipes, and also to hold and keep the city of Danville harmless from all loss or expense caused by excavating said streets, alleys, avenues or public grounds, or in filling or restoring the same to the condition in which such streets, alleys, avenues and public grounds were in before such excavations were made.

§ 4. That during the laying of said pipes the said J. R. Kendall and Will Beckwith, their associates, successors and assigns, shall not unnecessarily obstruct the streets, avenues, alleys or public grounds of said city, and not more than three hundred (300) feet of any street, avenue or alley, shall be obstructed at any one time by said J. R. Kendall, Will Beckwith, their associates, successors and assigns, and that the said J. R. Kendall and Will Beckwith, their associates, successors and assigns, shall restore such streets, avenues, alleys or public grounds in as good and like condition as before the same was commenced. In case dispute arises between the city engineer of said city and said J. R. Kendall and Will Beckwith, their associates, successors and assigns, as to the sufficiency of the restoration of such streets, avenues, alleys and public grounds to their former condition, the said dispute shall be referred to the mayor of said city, whose decision in the matter shall be final.

§ 5. That the rights and privileges herein granted are not to be construed to interfere with or abridge the rights or privileges of any person or any corporation or company here before granted by the city or which may hereafter be granted while in the lawful exercise of the same.

§ 6. That the rights and privileges herein granted are subject to such sanitary and police regulations and control, as the council may deem just and proper.

§ 7. That the right and privilege to lay said gas mains and pipes upon the streets of said city shall not apply to those streets which have been paved with brick, or those streets, except Main street, which are now in process of being paved; *Provided, however*, that nothing herein contained shall be so construed as to prevent said persons, their associates, successors or assigns, from crossing said



paved streets with their mains, wherever it is necessary to so cross the same.

§ 8. The rights, privileges and franchises hereby granted are given upon the express and positive condition that said J. R. Kendall and Will Beckwith, their associates, successors or assigns, shall never charge any consumer of gas more than at the rate of one dollar per one thousand cubic feet of gas consumed.

§ 9. That the manner in which the said J. R. Kendall and Will Beckwith, their associates, successors and assigns, shall lay the mains, sub-mains and gas pipes across any of the sewers, ditches, streets or alleys of said city of Danville, shall be under the direction of the city engineer of said city. So far as practicable all such mains, sub-mains and gas pipes shall be laid in the alleys of the said city of Danville and not in the streets of said city.

§ 10. The rights, privileges and franchises by this ordinance are given upon the express condition that said J. R. Kendall and Will Beckwith, their associates, successors and assigns shall within sixty days from the approval of this ordinance notify the city clerk of their acceptance of the provisions of this ordinance and shall, within said time, actually begin work upon the gas works, apparatus or the work of laying the mains, sub-mains or gas pipe which may be required to operate a system of gas works.

§ 11. That for each violation of the provisions of this ordinance by the said J. R. Kendall and Will Beckwith, their associates, successors and assigns or any or either of them, or by their agents, servants, workmen or employes, the said J. R. Kendall and Will Beckwith, their associates, successors or assigns or any or either of them, shall be liable to and shall pay a fine or penalty of not less than twenty dollars.

§ 12. This ordinance shall be in force from and after its passage and due publication.

Passed and approved this the 28th of May, A. D. 1891.

Attest:

JOSEPH SHATZ, City Clerk.

JOHN BEARD, Mayor.

The foregoing ordinance was published in "The Danville Daily Press," (the same being a newspaper published in Danville, Illinois,) dated May 30, 1891.

JOSEPH SHATZ, City Clerk.



## AN ORDINANCE

PROVIDING FOR A SUPPLY OF WATER TO THE CITY OF DANVILLE AND ITS INHABITANTS; AUTHORIZING THE DANVILLE WATER COMPANY TO CONSTRUCT AND MAINTAIN WATER WORKS; CONTRACTING WITH SAID COMPANY FOR A SUPPLY OF WATER FOR PUBLIC USE, AND GIVING SAID CITY AN OPTION TO PURCHASE SAID WORKS.

*Be it ordained by the City Council of the City of Danville, in manner following—that is to say:*

§ 1. The privilege is hereby granted to the Danville Water Company, a corporation duly organized and existing under the laws of the State of Illinois, and to its successors and assigns, for thirty years from the passage of this ordinance, to construct and maintain within and near the city of Danville, water works for supplying the said city and the inhabitants thereof and of the adjacent municipalities and territory with water for public and private uses, and to use the streets, alleys, sidewalks and public grounds, and the rivers, streams and bridges of the city of Danville, within its present and future corporate limits, for placing, taking up and repairing mains, hydrants and other structures and devices requisite for the service of water.

§ 2. The source of water supply shall be the North Fork of the Vermilion river at a point above the present sewage of the city of Danville, north of Fairchild street. The pump house shall be of stone or brick, of ample size to accommodate the machinery of the said water company, and there shall be two pumping engines of modern and appropriate style and good efficiency, having an aggregate pumping capacity of four million gallons of water in twenty-four hours. There shall be a stand-pipe as part of the water works system, not less than one hundred and fifty feet high. All the mains used in the said construction shall be tested at their place of manufacture, before being laid, under a pressure of three hundred pounds to the square inch, and they shall be of suitable size to furnish an abundant supply of water for present and future requirements. The fire hydrants rented by said city, as hereinafter stated, shall be of modern and appropriate style and good efficiency, with frost jacket, and with double delivery, fitted to connect with the hose coupling now in use by the fire department of said city. Written notice being given by

said company to said city of Danville, there shall be a test of the power and capacity of said water works on their completion, when they shall throw from separate hydrants in the business portion of said city six simultaneous fire streams through a fifty-foot section of hose and a one-inch nozzle, to a height of one hundred feet, and when they shall throw at another time from separate hydrants in other portions of the said city four simultaneous effective fire streams.

§ 3. The said water company shall commence in good faith the construction of said water works within sixty days from the passage and approval of this ordinance, and shall have in successful operation at least eight miles of water mains in said city in the month of September, in the year 1883, and shall have the said works fully completed, with ten miles of water mains in said city, in the month of December, in the year 1883. The lines of water mains shall be so located and laid as to afford fire protection to the several wards, there being no less than one mile of mains in each ward.

§ 4. All mains shall be so located and laid as not to interfere unnecessarily with any pipes, mains, conduits and sewers existing at the time of such location and laying. There shall be no unreasonable or unnecessary obstruction of the streets, alleys, sidewalks or public grounds of the said city by said water company in constructing the said works or in placing, taking up or repairing any mains, hydrants or other structures or devices requisite for the service of water, and the said water company, after using the said streets, alleys, sidewalks and public grounds, shall restore them, within a reasonable time, as nearly as practicable to their former condition, and shall hold the said city harmless from any and all damages arising from negligence or mismanagement of said water company or its employees in constructing, extending or operating said works. In all street excavations the said water company shall keep red danger lights burning at night along the line of the same, at least one light to every one hundred and fifty feet, and shall erect and maintain sufficient barricades at the ends of said excavations and at all streets and alleys where they cross said excavations. If the said city shall change the surface of any street or alley in which the said water company shall have laid a main, and if such change shall exceed one foot, and if the said water company shall relay its said main on account of such change, then the said city shall reimburse to the said water company the actual cost thereof.

§ 5. If at any time it shall appear that the said water company, by extending its mains, will derive a steady additional revenue of not less than one hundred dollars per annum for every three hundred

feet of such extension, either from responsible private consumers, secured by written agreement, or from the rental of public fire hydrants upon the terms hereinafter stated, then the city council may by ordinance require the said water company to make such extension without unnecessary delay. But at the expiration of thirty years from the passage and approval of this ordinance, all right of said city of requiring extensions shall cease, unless the rights, privileges and contract hereby granted and made shall have been renewed.

§ 6. The said water company shall not charge to consumers during the continuance of the franchises granted by this ordinance exceeding the following maximum annual rates. But it shall have the right, at its will at any time, to insert a meter into the service pipe of any consumer, and to supply him at meter rates:

Banks, with one basin . . . . .	\$ 10 00
Bakery, each oven . . . . .	\$10 00 to 30 00
Barber shop, first chair . . . . .	6 00
Barber shop, each additional chair . . . . .	3 00
Bath, without heating apparatus, private . . . . .	4 00
Bath, with heating apparatus, private . . . . .	5 00
Bath, in boarding house or hotel, first tub . . . . .	8 00
Bath, in boarding house or hotel, each additional tub . . . . .	4 00
Bath, public, not less than . . . . .	12 00
Brewery, per barrel brewed . . . . .	05
Billiard saloon, each table . . . . .	4 00
Boarding house, per room (no license less than \$10 00) . . . . .	1 50
Book bindery, not less than . . . . .	10 00
Brickwork, per 1,000 laid . . . . .	10
Brickyard, each gang of hands . . . . .	25 00
Butcher shop, steam extra . . . . .	10 00
Candy manufacturers . . . . .	15 00 to 30 00
Cigar manufacturers (no license less than \$10 00), per hand . . . . .	2 00
Confectioners . . . . .	10 00 to 30 00
Cow, each . . . . .	2 00
Distilleries, for each barrel distilled . . . . .	10
Dyeing and scouring . . . . .	10 00 to 30 00
Forge, first fire . . . . .	5 00
Forge, each additional fire . . . . .	2 00
Fountain, six months (running not more than six hours per day), according to size of jet . . . . .	12 00 to 50 00
Halls and theatres . . . . .	12 00 to 30 00
Horse, one, including washing carriage . . . . .	4 00
Horse, each additional . . . . .	2 00
Horse, for private stable, not less than . . . . .	3 00
Hotel, per room . . . . .	special.

Ice-cream saloon . . . . .	10 00 to 20 00
Laundry . . . . .	24 00 to 100 00
Offices or sleeping rooms . . . . .	5 00 to 10 00
Oyster saloons . . . . .	10 00 to 20 00
Printing offices, six hands or less (engine extra) . . . . .	12 00
Printing office, each additional hand . . . . .	1 50
Photograph galleries . . . . .	10 00 to 15 00
Plastering, per square yard . . . . .	$\frac{1}{2}$
Residence, occupied by one family, for domestic use, one to three rooms . . . . .	5 00
Residence, each additional room . . . . .	1 00
Restaurant . . . . .	12 00 to 20 00
Saloons . . . . .	10 00 to 30 00
Sprinkling, private garden, $\frac{3}{4}$ -hose, $\frac{1}{8}$ -nozzle, first 50 yards, per square yard . . . . .	04
Sprinkling, all over 50 yards, per square yard . . . . .	02
Sprinkling-carts, per month . . . . .	special.
Sprinkling sidewalk to center of street, $\frac{3}{4}$ -hose, $\frac{1}{8}$ -inch nozzle, $1\frac{1}{2}$ hours per day (no license less than \$5 00), per foot front, . . . . .	10
Stable, livery, board or sale, six horses or less, including carriage washing . . . . .	12 00
Stable, each additional stall . . . . .	1 50
Steam boilers, rated per horse-power, from one to ten horse-power (working ten hours per day) . . . . .	4 00
Steam boilers, each additional up to twenty . . . . .	3 00
Steam boilers, over twenty . . . . .	special.
Stonework, per perch . . . . .	07
Stores and shops . . . . .	8 00 to 20 00
Tenement, (no license less than \$6 00) per room . . . . .	1 50
Tobacco manufacturers, (no license less than \$5 00) per hand . . . . .	1 50
Urinal basins . . . . .	6 00 to 12 00
Water closets, private . . . . .	5 00
Water closets, public . . . . .	10 00
Wash basins, in dwelling . . . . .	2 00
Wash basins, in hotel . . . . .	3 00

## METER RATES.

100 to 500 gallons per day, per 100 gallons . . . . .	05
500 to 1,500 gallons per day, per 100 gallons . . . . .	04
1,500 to 3,000 gallons per day, per 100 gallons . . . . .	$03\frac{1}{2}$
3,000 to 5,000 gallons per day, per 100 gallons . . . . .	03
5,000 to 10,000 gallons per day, per 100 gallons . . . . .	$02\frac{1}{2}$
10,000 or more gallons per day, per 100 gallons . . . . .	02

The rates in this section prescribed shall be paid quarterly, except sprinkling rates, which shall be paid for the season.

§ 7. At the expiration of five, ten and twenty years after the completion of said works, and at the expiration of said term of thirty years, and at the expiration of any renewed term thereof, said city shall have the right to purchase said works with its privileges and property at a fair valuation, to be ascertained as follows: In the event said city and said water company shall fail to agree on the price, three disinterested appraisers of good intelligence, not residents of the county of Vermilion, shall be chosen and sworn to determine the value thereof. One to be appointed by the said city, one by the said water company, and the third by the two so appointed. When said three persons shall have been so chosen, and before they determine said value, the said city and the said water company shall each at their option have the right to call non-resident experts, not exceeding three in behalf of each party to give testimony under oath before said three appraisers as to such value. The said three appraisers shall then proceed to determine such value, and in so doing, they shall take into consideration the productive value of the said water works, rights, privileges and property. And in the event there being no existing fire hydrant contract with said city at the date of such appraisement, the last existing contract shall be included in the estimated productive value, as though still in existence. When the three or their majority shall have made an award in writing, ten per centum shall be added to the amount thereof; *Provided*, the appraisal be made at the expiration of five years, but no per centum shall be added to the ascertained value of said property after the first period of five years. And the said city shall then have the option of refusing to pay after such award shall have been made, or of paying in cash to said water company within three months from the date of such award, the amount thereof and the said additional ten per centum thereon. If the said city shall refuse to purchase as aforesaid, it shall pay the necessary expenses incurred in making of said award. The said city shall, in such purchase, assume and perform all unfinished contracts made by said water company for furnishing water, and shall assume and pay all debts and obligations of said company, not exceeding in amount the said purchase money to be paid by said city. And all sums so paid shall be in part discharge of said purchase money. But if said city shall determine to avail itself of this right to purchase, it shall, in all cases, give written notice to the said water company of such determination, at least one year before the expiration of said privileges, or before the other appointed dates of purchase.

§ 8. In consideration of the benefits which will be derived by the said city and its inhabitants from the construction and operation of the said water works, and in further consideration of the water supply hereby secured for public uses, and as the inducement to said water company to accept the provisions of this ordinance and contract, and to enter upon the construction of said water works, the rights and privileges hereby granted to and vested in said water company shall remain in force and effect for thirty years from the passage of this ordinance; and for the same consideration and as the same inducement, the City of Danville hereby rents of the Danville Water Company for the uses hereinafter stated, one hundred fire hydrants of the character hereinbefore described, for and during the term of thirty years from the passage of this ordinance, and agrees to locate them promptly along the line of the street mains, on demand of said water company, and on submission by it to said city of a plan of the location of said street mains, and agrees to use the said hydrants carefully and to pay said water company for any injury which may happen to any of them when used by any officer, servant or member of the fire department of said city, and agrees to pay rent for said one hundred hydrants at the rate of seventy-five dollars each per year, and agrees to pay during the unexpired term of said ordinance and privilege, for any additional fire hydrants which the city may hereafter locate at the rate of sixty-two and fifty one hundredths dollars each, per year, for the next forty additional hydrants, and for all fire hydrants in excess of one hundred and forty, at the rate of fifty dollars each, per year; all of which sums shall be paid by said city to said water company, beginning from the dates when each of such hydrants shall be put into successful operation, in quarter yearly installments on the first days of February, May, August and November of each year, and terminating upon the expiration of said term of thirty years, or upon the purchase of said works and their privileges and property by the said city.

§ 9. The fire hydrants rented by said city of the said water company shall be used only for the extinguishment of fires, and shall constantly furnish effective fire streams without the aid of portable engines, and flushing gutters and sewers through a hose and fire nozzle. In flushing, no one hydrant shall be used exceeding ten minutes in one week, nor shall more than one hydrant opening be turned on at the same time, nor shall any flushing be done during the existence of a fire or without notice to the water company.

§ 10. The said water company shall constantly keep all fire hydrants rented of it by said city supplied with water for fire



service, and shall maintain them in effective working order. The chief of the fire department of said city, or in his absence the officer in charge thereof, shall have charge and control of said fire hydrants, and may at any time cause such hydrants to be inspected, and if on such inspection any of said hydrants are found to be out of working order, he shall forthwith notify said water company in writing, specifying the hydrant or hydrants out of working order, and shall also report to the city council the date of such examination and the result thereof and his subsequent action in the premises. And in case any such hydrant shall remain out of repair for one week or more after the said water company shall have been so notified in writing, the said city shall be entitled to deduct from said hydrant rental account, the sum of ten dollars per week so long [as] such hydrant is not in working order: *Provided*, that the total amount so deducted shall not exceed double the yearly rental of such hydrant or hydrants. And in case that the said water company, after said water works shall have been completed and in successful operation, shall suffer a suspension of the supply of water for both domestic and fire purposes exceeding thirty days, then and in that case said water company shall forfeit all privileges hereby granted, unless such suspension shall have been caused by circumstances beyond the control of the said water company.

§ 11. The said water company or assigns, in consideration of said city renting such number of fire hydrants, hereby agree to gratuitously furnish and erect a combined spray and drinking fountain for man and beast, flowing twelve hours per diem, (and not exceeding two thousand gallons per diem), on the public square in said city; and also to furnish free, water for said fountain, and in addition thereto, water for two additional drinking fountains, flowage not to exceed one thousand gallons each per diem, fountains to run except during freezing weather, also water free for all city offices and quarters of the fire department situated on lines of water mains in said city, (for drinking and washing purposes), for and during the term and continuance of this privilege and ordinance. Whenever the city council shall decide to erect additional public drinking fountains for man and beast, such fountains shall be located on the lines of water mains at such point or points as the city council may designate, the annual rental of such additional fountains shall be one hundred dollars each [per annum, payable quarterly as for fire hydrants. All public drinking fountains shall be provided with automatic valves or shall furnish a constant flowing stream through a small orifice, at the option of said water company or assigns to prevent the waste of water.



§ 12. The said water company shall provide and maintain at its own expense, a telephone or other electric line affording connection between its pump house and each principal fire department station, for use during fires, the city to furnish its own instruments.

§ 13. The said city shall adopt and enforce ordinances protecting the said water company in the safe and unmolested exercise of these franchises, and against fraud and imposition, and against injury to its property and waste of water by consumers, and the said water company may make and enforce as part of the conditions upon which it will supply water to consumers, all needful rules and regulations not inconsistent with law.

§ 14. This ordinance shall become binding as a contract on the said city of Danville in the event that the said Danville Water Company shall, within ten days from the passage and publication of this ordinance, file with the city clerk of said city its written acceptance of the terms, obligations and conditions of this ordinance, and upon such acceptance this ordinance shall constitute the contract, and shall be the measure of the rights and liabilities of the said city and of the said water company.

§ 15. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance, and especially the ordinance entitled: "An ordinance to provide for the construction and maintenance of water works for the supply of water to the city of Danville, Illinois, and its inhabitants, and for the prevention and extinguishment of fires in said city," passed and approved April 22, 1882, are hereby repealed, and this ordinance shall take effect from and after its passage and publication.

Passed and approved this 9th day of November, A. D. 1882.

Attest:

A. C. FREEMAN,  
[SEAL.] City Clerk.

L. T. DICKASON,  
Mayor.

I, Alfred C. Freeman, city clerk of the city of Danville, Illinois, hereby certify that the foregoing ordinance was published in "The Daily Commercial," (the same being a newspaper published in said city of Danville,) dated November 11th, A. D. 1882.

A. C. FREEMAN, City Clerk.

## AN ORDINANCE

TO AMEND AND CARRY OUT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANVILLE, ENTITLED "AN ORDINANCE PROVIDING FOR A SUPPLY OF WATER TO THE CITY OF DANVILLE AND ITS INHABITANTS; AUTHORIZING THE DANVILLE WATER COMPANY TO CONSTRUCT AND MAINTAIN WATER WORKS; CONTRACTING WITH SAID COMPANY FOR A SUPPLY OF WATER FOR PUBLIC USE, AND GIVING SAID CITY AN OPTION TO PURCHASE SAID WORKS," PASSED AND APPROVED NOVEMBER 9TH, A. D. 1882.

*Whereas*, The Danville Water Company has commenced in good faith the construction of its water works within sixty days from the passage and approval of an ordinance of the city council of the city of Danville, entitled "An ordinance providing for a supply of water to the city of Danville and its inhabitants; authorizing the Danville Water Company to construct and maintain water works; contracting with said company for a supply of water for public use, and giving said city an option to purchase said works," passed and approved November 9th, A. D. 1882; which commencement in good faith of said construction is hereby acknowledged; and,

*Whereas*, The Danville Water Company has submitted to the city of Danville a plan of the location and sizes of its street mains, and the city of Danville has thereupon, on demand of said water company, located on said street mains the one hundred hydrants rented by the said city of Danville of the said water company; and,

*Whereas*, The Danville Water Company proposes, in addition to connecting its works for a water supply with the North Fork of the Vermilion river at a point above the present sewage of the city of Danville, north of Fairchild street, to dig a well or wells north of Fairchild street, in the vicinity of its pumping station, and to utilize for water supply the water pumped by it from such well or wells so dug:

*Now, for amendment of said ordinance in conformity with the foregoing, and for the purpose of carrying out the said ordinances:*

*Be it ordained by the City Council of the City of Danville, in manner following—that is to say:*

§ 1. That section 2 of an ordinance of the city of Danville, entitled "An ordinance providing for a supply of water to the city of Danville and its inhabitants; authorizing the Danville Water Company to construct and maintain water works; contracting with said company for a supply of water for public use, and giving said city an option to purchase said works," passed and approved November 9th, 1882, which reads as follows:

"§ 2. The source of water supply shall be the North Fork of the Vermilion river, at a point above the present sewage of the city of Danville, north of Fairchild street. The pump house shall be of stone or brick, of ample size to accommodate the machinery of the said water company, and there shall be two pumping engines of modern and appropriate style and good efficiency, having an aggregate pumping capacity of four million gallons of water in twenty-four hours. There shall be a stand-pipe as part of the water works system, not less than one hundred and fifty feet high. All the mains used in the said construction shall be tested at their place of manufacture before being laid, under a pressure of three hundred pounds to the square inch, and they shall be of suitable size to furnish an abundant supply of water for present and future requirements. The fire hydrants rented by said city, as hereinafter stated, shall be of modern and appropriate style and good efficiency, with frost jacket, and with double delivery, fitted to connect with the hose couplings now in use by the fire department of said city. Written notice being given by said company to said city of Danville, there shall be a test of the power and capacity of said water works on their completion, when they shall throw from separate hydrants in the business portion of said city six simultaneous fire streams through a fifty-foot section of hose and a one-inch nozzle to a height of one hundred feet, and when they shall throw at another time from separate hydrants in other portions of said city four simultaneous effective fire streams,"

*Be, and the same is, hereby amended to read as follows:*

§ 2. The Danville Water Company shall take its water supply from the North Fork of the Vermilion river at a point above the present sewage of the city of Danville, north of Fairchild street, or from a well or wells dug by it north of Fairchild street, in the vicinity of its pumping station, or from North Fork and such well or wells, changing from one to the other, or to both sources of supply, from time to time, at its discretion. The pump house shall be of stone or brick, of ample size to accommodate the machinery of the said water company, and there shall be two pumping engines of

modern and appropriate style and good efficiency, having an aggregate pumping capacity of four million gallons of water in twenty-four hours. There shall be a stand-pipe as part of the water works system, not less than one hundred and fifty feet high. All the mains used in the said construction shall be tested at their place of manufacture before being laid, under a pressure of three hundred pounds to the square inch; and the locations and sizes of those permitted to be laid may be as follows, the said water company having the right to select the side of the street:

From the pumping station to the intersection of Lincoln and Denmark streets, 14 inches diameter.

In Woodbury street, from Franklin to Vermilion streets, 6 inches diameter.

In Griggs street, from Junction avenue to Collett street, 6 inches diameter.

In Lincoln street, from Denmark to Harmon avenue, 14 inches diameter.

In Williams street, from Harmon avenue to Vermilion street, 10 inches diameter.

In Williams street, from Vermilion to Section streets, 8 inches diameter.

In Williams street, from Section to Junction avenue, 6 inches diameter.

In Ann street, from Harmon avenue to Gilbert street, 4 inches diameter.

In Seminary street, from Grant street to Harmon avenue, 6 inches diameter.

In Madison street, from Mill street to Harmon avenue, 4 inches diameter.

In Madison street, from Harmon avenue to Vermilion street, 10 inches diameter.

In Madison street, from Vermilion to Depot streets, 6 inches diameter.

In Harrison street, from Mill to Pine streets, 4 inches diameter.

In North street, from Robinson to Depot streets, 4 inches diameter.

In Main street, from Pine to Franklin streets, 8 inches diameter.

In Main street, from Franklin to Gray streets, 10 inches diameter.

In Main street, from Gray to Collett streets, 6 inches diameter.

In South street, from Vermilion to Buchanan streets, 6 inches diameter.

In Chestnut street, from College to Elizabeth streets, 4 inches diameter.

In Grant street, from Lincoln to Seminary streets, 6 inches diameter.

In Mill street, from Madison to Harrison streets, 6 inches diameter.

In Harmon avenue, from Lincoln to Williams streets, 14 inches diameter.

In Harmon avenue, from Williams to Mansson streets, 10 inches diameter.

In Robinson street, from Harrison to North streets, 4 inches diameter.

In Gilbert street, from Williams to Madison streets, 6 inches diameter.

In Pine street, from Madison to Main streets, 8 inches diameter.

In Oak street, from Seminary to Madison streets, 4 inches diameter.

In Franklin street, from Woodbury to Williams streets, 4 inches diameter.

In Franklin street, from Williams to Madison streets, 6 inches diameter.

In Franklin street, from Madison to Main streets, 4 inches diameter.

In Walnut street, from Williams to Main streets, 4 inches diameter.

In Vermilion street, from Woodbury to Williams streets, 4 inches diameter.

In Vermilion street, from Williams to Madison streets, 8 inches diameter.

In Vermilion street, from Madison to Main streets, 10 inches diameter.

In Vermilion street, from Main to South streets, 6 inches diameter.

In Hazel street, from Williams to Madison streets, 4 inches diameter.

In Hazel street, from Madison to Main streets, 6 inches diameter.

In Hazel street, from Main to South streets, 4 inches diameter.

In Hazel street, from South to Green streets, 6 inches diameter.

In Jackson street, from Williams to Madison streets, 6 inches diameter.

In Jackson street, from Madison to North streets, 4 inches diameter.

In Depot street, from Madison to Main streets, 6 inches diameter.

In Gray street, from Main to South streets, 4 inches diameter.

In College street, from South to Chestnut streets, 6 inches diameter.

In Elizabeth street, from South to Chestnut streets, 6 inches diameter.

In Elizabeth street, from Chestnut to Wayne streets, 4 inches diameter.

In Junction avenue, from Williams to Griggs streets, 6 inches diameter.

In Buchanan street, from Main to South streets, 4 inches diameter.

In Collett street, from Main to Griggs streets, 4 inches diameter.

The fire hydrants rented by said city, as hereinafter stated, shall be of modern and appropriate style and good efficiency, with frost jacket, and with double delivery, fitted to connect with the hose couplings now in use by the fire department of said city. Said fire hydrants so rented by said city shall be set by the said water company on whatever corner of the intersection it may select, but in all cases on the side of the street nearest to the main with which they are to connect; and they are hereby located as follows:

1. At the intersection of Woodbury and Franklin streets.
2. At the intersection of Woodbury and Walnut streets.
3. At the intersection of Woodbury and Vermilion streets.
4. At the intersection of Clay and Franklin streets.
5. At the intersection of Tincher and Denmark streets.
6. In Franklin street, at the north side of the right of way of the I., B. & W. railway.
7. In Vermilion street, at the south side of the right of way of the I., B. & W. railway.
8. At the intersection of Lincoln and Denmark streets.
9. At the intersection of Lincoln and Sheridan streets.
10. At the intersection of Lincoln and Grant streets.
11. At the intersection of Lincoln and Chandler streets.
12. At the intersection of Williams street and Harmon avenue.
13. At the intersection of Williams and Robinson streets.
14. At the intersection of Williams and Gilbert streets.
15. At the intersection of Williams and Oak streets.
16. At the intersection of Williams and Franklin streets.
17. At the intersection of Williams and Walnut streets.
18. At the intersection of Williams and Vermilion streets.
19. At the intersection of Williams and Hazel streets.
20. At the intersection of Williams and Jackson streets.
21. At the intersection of Williams and Depot streets.

22. At the intersection of Williams and Section streets.
23. At the intersection of Wellington and Junction streets.
24. At the intersection of Wellington and Collett streets.
25. In Harmon avenue, at the north side of the right of way of the I., B. & W. railway.
26. At the intersection of Kimber and Grant streets.
27. At the intersection of Cherry and Jackson streets.
28. In Franklin street, half way between Williams and Seminary streets.
29. In Vermilion street, half way between Williams and Seminary streets.
30. At the intersection of Ann and Gilbert streets.
31. At the intersection of Seminary and Grant streets.
32. At the intersection of Seminary street and Harmon avenue.
33. At the intersection of Seminary and Gilbert streets.
34. At the intersection of Seminary and Franklin streets.
35. At the intersection of Seminary and Vermilion streets.
36. At the intersection of Seminary and Jackson streets.
37. At the intersection of Seminary and Collett streets.
38. At the intersection of Madison street and Harmon avenue.
39. At the intersection of Madison and Robinson streets.
40. At the intersection of Madison and Gilbert streets.
41. At the intersection of Madison and Pine streets.
42. At the intersection of Madison and Franklin streets.
43. At the intersection of Madison and Walnut streets.
44. At the intersection of Madison and Vermilion streets.
45. At the intersection of Madison and Hazel streets.
46. At the intersection of Madison and Jackson streets.
47. At the intersection of Madison and Depot streets.
48. At the intersection of Herman and Collett streets.
49. At the intersection of Harrison and Franklin streets.
50. At the intersection of Harrison and Walnut streets.
51. At the intersection of Harrison and Vermilion streets.
52. At the intersection of Harrison and Hazel streets.
53. At the intersection of Harrison and Jackson streets.
54. At the intersection of Harrison and Depot streets.
55. In Vermilion street, at the corner of the alley between Harrison and North streets.
56. At the intersection of North and Robinson streets.
57. At the intersection of North and Pine streets.
58. At the intersection of North and Franklin streets.
59. At the intersection of North and Walnut streets.
60. At the intersection of North and Vermilion streets.
61. At the intersection of North and Hazel streets.



62. At the intersection of North and Jackson streets.
63. At the intersection of North and Depot streets.
64. At the intersection of North street (extended) and Collett street.
65. In Franklin street, at the corner of the alley between North and Main streets.
66. In Walnut street, at the corner of the alley between North and Main streets.
67. At the intersection of VanBuren alley and Vermilion street.
68. At the intersection of VanBuren alley and Hazel street.
69. At the intersection of VanBuren alley and Depot street.
70. At the intersection of Main and Pine streets.
71. In Main street, half way between Franklin and Pine streets.
72. At the intersection of Main and Franklin streets.
73. At the intersection of Main and Walnut streets.
74. In Main street, at the corner of the First National Bank.
75. At the Postoffice corner.
76. At the intersection of Main and Hazel streets.
77. In Main street, at the corner of the alley between Hazel and Jackson streets.
78. At the intersection of Main and Jackson streets.
79. At the intersection of Main and Depot streets.
80. At the intersection of Main and Gray streets.
81. At the intersection of Main and McDonald streets.
82. At the intersection of Main and Park streets.
83. At the intersection of Main and Fremont streets.
84. At the intersection of Main and Clark streets.
85. At the intersection of Main and Buchanan streets.
86. At the intersection of Main and Collett streets.
87. At the intersection of South and Vermilion streets.
88. At the intersection of South and Hazel streets.
89. At the intersection of South and Jackson streets.
90. At the intersection of South and Gray streets.
91. At the intersection of South and Park streets.
92. At the intersection of South and Elizabeth streets.
93. At the intersection of South and Buchanan streets.
94. At the intersection of Green and Hazel streets.
95. At the intersection of Green and College streets.
96. At the intersection of Chestnut and College streets.
97. At the intersection of Chestnut and Park streets.
98. At the intersection of Chestnut and Elizabeth streets.
99. At the intersection of Pearl and Elizabeth streets.
100. At the intersection of Wayne and Elizabeth streets.

Written notice being given by said company to said city of Danville, there shall be a test of the power and capacity of said water works on their completion, when they shall throw from separate hydrants in the business portion of said city, six simultaneous fire streams, through a fifty-foot section of hose and a one-inch nozzle, to the height of one hundred feet, and when they shall throw at another time from separate hydrants in other portions of the said city four simultaneous effective fire streams: *Provided, however,* That nothing in this section shall be so construed as to operate against the full force and effect of section 9 and that part of section 2 of the original ordinance which provides for laying of mains of suitable size to furnish an abundant supply of water for present and future requirements.

§ 2. This ordinance shall become binding as a part of the contract existing between the city of Danville and the Danville Water Company in the event that said water company shall, within ten days from the passage and publication of this ordinance, file with the city clerk of said city its written acceptance of it.

§ 3. All ordinances and resolutions and parts of ordinances or resolutions in conflict herewith are hereby repealed, and this ordinance shall take effect at its passage and publication.

Passed by city council, May 1st, A. D. 1883. Approved June 2d, 1883.

Attest:

A. C. FREEMAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

[SEAL.]

I, Alfred C. Freeman, city clerk of the city of Danville, Illinois, hereby certify that the foregoing ordinance was published in "The Danville Leader," (the same being a newspaper published in said city of Danville, Illinois,) dated Friday, June 8th, 1883.

A. C. FREEMAN,  
City Clerk.

## AN ORDINANCE

PROVIDING FOR THE EXTENDING OF THE PIPE SYSTEM OF THE DANVILLE WATER COMPANY, AND THE RENTING OF TWO ADDITIONAL FIRE HYDRANTS.

*Be it ordained by the City Council of the City of Danville, in manner following—that is to say:*

§ 1. That the city of Danville requests, and hereby requires, the Danville Water Company to extend its pipe system along North street to reach the places on said street hereinafter described, and that the city of Danville further requests, and hereby requires, the Danville Water Company to put up two additional fire hydrants, of the kind required by the water works ordinance of the city of Danville, passed and approved November 9th, 1882, and in consideration of the compliance of the Danville Water Company with the foregoing requests and requirements, the city of Danville hereby rents of the Danville Water Company the said two additional hydrants, located in the following described places, to-wit:

No. 102. At the intersection of North and Hayes streets.

No. 103. At the intersection of Harrison and Mill streets.

And the city of Danville agrees and binds itself to pay therefor to the Danville Water Company, for the uses and subject to the conditions stated in said ordinance of November 9, 1882, for and during the term of thirty years from the passage of this ordinance, at the rate of \$62.50 per hydrant per annum, beginning at the date when said hydrants shall respectively be put into successful operation, in quarter-yearly installments, on the first day of February, May, August and November of each year, and terminating upon the expiration of the said term of thirty years, or upon the purchase of said works and their privileges and property by the said city.

§ 2. This ordinance shall become binding as a contract on the said city of Danville in the event that the Danville Water Company shall, within ten days from the passage and approval of this ordinance, file with the city clerk its written acceptance of it.

Passed and approved the 3d day of July, A. D. 1884.

Attest:

A. C. FREEMAN, City Clerk.      L. T. DICKASON, Mayor.

The foregoing ordinance was published in "The Danville Daily Commercial," (the same being a newspaper published in Danville, Illinois,) dated June 11, 1884.

A. C. FREEMAN, City Clerk.

## AN ORDINANCE

PROVIDING FOR EXTENDING THE PIPE SYSTEM OF THE DANVILLE WATER COMPANY AND RENTING OF IT TWO ADDITIONAL HYDRANTS.

*Be it ordained by the City Council of the City of Danville, in manner following—that is to say :*

§ 1. That the city of Danville requests and hereby requires the Danville Water Company to extend its pipe system along North street, to reach the places on said street hereinafter described, and that the city of Danville further requests and hereby requires the Danville Water Company to put two additional fire dydrants of the kind required by the water works ordinance of the city of Danville, passed and approved November 9th, 1882; and in consideration of the compliance, by the Danville Water Company, with the foregoing requests and requirements, the city of Danville hereby rents of the Danville Water Company, the said two additional hydrants located in the following described places, to-wit :

No. 102. At the intersection of North and Hayes streets.

No. 103. At the intersection of Harrison and Mill streets.

And the city of Danville agrees and binds itself to pay therefor to the Danville Water Company for the uses and subject to the conditions stated in the said ordinance of November 9th, 1882, for and during the term of thirty years from the passage of this ordinance, at the rate of sixty-two dollars and fifty cents per hydrant per annum, beginning from the date when such hydrants shall respectively be put into successful operation, in quarter yearly installments, on the first days of February, May, August and November of each year, and terminating upon the expiration of the said term of thirty years or upon the purchase of said works and their privileges and property by the said city.

§ 2. This ordinance shall become binding as a contract, of the said city of Danville in the event that the Danville Water Company

shall, within ten days from the publication of this ordinance, file with the city clerk its written acceptance of it.

Passed and approved August 7th, A. D. 1884.

Attest:

A. C. FREEMAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

The foregoing ordinance was published in "The Danville Daily News," (the same being a newspaper published in the city of Danville, Illinois,) dated Friday, August 15, 1884.

A. C. FREEMAN,  
City Clerk.

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## AN ORDINANCE

PROVIDING FOR THE EXTENSION OF THE PIPE SYSTEM OF THE  
DANVILLE WATER COMPANY AND RENTING OF IT FOUR ADDITIONAL  
FIRE HYDRANTS.

*Be it ordained by the City Council of the City of Danville,  
Illinois, in the manner following, that is to say:*

§ 1. That the city of Danville requests and hereby requires the Danville Water Company to extend its pipe system, by laying the following described water mains: a four-inch main in Wayne street between the Wabash hospital and Buchanan street; a four-inch main in Oak street, between Seminary and Ann streets; a six-inch main in Buchanan street between Wayne and Commercial streets; a six-inch main in Collett street, between Griggs street and the first alley north of the I. B. & W. railway tracks. And hereby requires the Danville Water Company to put up at the places hereinafter named, four additional fire hydrants of the kind required by the water works ordinance of the city of Danville, passed and approved on November 9th, 1882; and in consideration of the compliance of the Danville Water Company with the foregoing requests and requirements, the city of Danville hereby rents of the Danville Water Company the four additional fire hydrants, to-wit:

No. 104. At the intersection of Oak and Ann streets.

No. 105. At the intersection of Buchanan and Commercial streets.

No. 106. At the intersection of Junction avenue and I. B. & W. railway track.

No. 107. At the intersection of Collett street and first alley north of I. B. & W. railway track.

And the city of Danville agrees and binds itself to pay therefor, to the Danville Water Company for the uses and subject to the conditions stated in the said ordinance of November 9th, 1882, for and during the term of thirty years from the passage of this ordinance, at the rate of sixty-two dollars and fifty cents per hydrant per annum, beginning with the date when said hydrants shall respectively be put up and connected with the water works of the said water company, in quarter yearly installments, on the first days of February, May, August and November of each year, subject to termination by the purchase of the said works by the city of Danville.

§ 2. This ordinance shall become binding as a contract on the city of Danville, in the event that the Danville Water Company shall, within twenty days from the publication of this ordinance, file with the city clerk its written acceptance of it.

Passed and approved this first day of April, A. D. 1886.

Attest:

A. C. FREEMAN, City Clerk.

JOHN BEARD, Mayor.

The foregoing ordinance was published in "The Danville Leader," (the same being a newspaper published in the city of Danville, Illinois,) dated Friday, April 9, A. D. 1886.

A. C. FREEMAN, City Clerk.

## AN ORDINANCE.

PROVIDING FOR EXTENDING THE WATER MAINS OF THE DANVILLE WATER COMPANY AND RENTING OF IT FIVE ADDITIONAL HYDRANTS.

*Be it ordained by the City Council of the City of Danville, Illinois, in the manner following—that is to say:*

§ 1. That the city of Danville requests and hereby requires the Danville Water Company to extend its water mains by laying a four-inch main in Vermilion street from Woodbury to English street, and by laying a four-inch main in Franklin street from Woodbury street to Townsend avenue, and that the city of Danville hereby requires the said water company to put up at the places hereinafter named five additional fire hydrants of the kind required by the water works ordinance of the city of Danville, passed and approved November 9th, 1882, and in consideration of the compliance by the Danville Water Company with the foregoing request and requirements the city of Danville hereby rents from the Danville Water Company the said five additional fire hydrants, to-wit:

No. 108. At the intersection of Vermilion street and Fairchild street.

No. 109. At the intersection of Vermilion street and Townsend avenue.

No. 110. At the intersection of Vermilion street and English street.

No. 111. At the intersection of Franklin street and Fairchild street.

No. 112. At the intersection of Franklin street and Townsend avenue.

And the city of Danville agrees and binds itself to pay therefor to the Danville Water Company for the uses and subject to the conditions stated in the said ordinance of November 9th, 1882, for and during the unexpired term of thirty years from November 9th, 1882, and from the date of the passage of this ordinance, at the rate of sixty-two dollars and fifty cents (\$62.50) per hydrant per annum, beginning with the date when such hydrants shall be respectively put up and connected with the water works of the said water company, in quarter-yearly installments, on the first day of February,



May, August and November of each year, subject to termination by the purchase of said water works by the city of Danville.

§ 2. This ordinance shall become binding as a contract on the city of Danville in the event that the Danville Water Company shall, within twenty days from the publication of this ordinance, file with the city clerk its written acceptance thereof.

Passed and approved June 19, 1890.

Attest:

JOSEPH SHATZ,  
City Clerk.

W. R. LAWRENCE,  
Mayor.

I, Joseph Shatz, city clerk of the city of Danville, Illinois, do hereby certify that the above and foregoing ordinance was published in "The Danville Daily Press," (the same being a newspaper published in said city and state,) dated Tuesday, June 24th, 1890.

JOSEPH SHATZ,  
City Clerk.

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## AN ORDINANCE

PROVIDING FOR EXTENDING THE WATER MAINS OF THE DANVILLE WATER COMPANY AND RENTING OF IT THREE ADDITIONAL HYDRANTS.

*Be it ordained by the City Council of the City of Danville, Illinois, in the manner following—that is to say:*

§ 1. That the city of Danville requests and hereby requires the Danville Water Company to extend its water mains by laying a four-inch water main in Hazel street, from Davis street to Fairchild street, and that the city of Danville hereby requires the said water company to put up at the places hereinafter named three additional fire hydrants of the kind required by the water works ordinance of the city of Danville, passed and approved November 9th, 1882, and in consideration of the compliance of the Danville Water Company with the foregoing requests and requirements the city of Danville hereby rents of the Danville Water Company the said three additional fire hydrants, to-wit:

- No. 113. At crossing of Clay and Hazel streets.  
No. 114. At crossing of Woodbury and Hazel streets.  
No. 115. At crossing of Fairchild and Hazel streets.

And the city of Danville agrees and binds itself to pay therefor to the Danville Water Company for the uses and subject to the conditions stated in the said ordinance of November 9th, 1882, for and during the unexpired term of thirty years from November 9th, 1882, and from the date of the passage of this ordinance, at the rate of sixty-two dollars and fifty cents (\$62.50) per hydrant per annum, beginning with the date when said hydrants shall be respectively put up and connected with the water works of the said water company, in quarter-yearly installments, on the first day of February, May, August and November of each year, subject to termination by the purchase of said water works by the city of Danville.

§ 2. This ordinance shall become binding as a contract on the city of Danville in the event that the Danville Water Company shall, within twenty days from the publication of this ordinance, file with the city clerk its written acceptance thereof.

Passed and approved August 20th, 1890.

Attest:

JOSEPH SHATZ,  
City Clerk.

W. R. LAWRENCE,  
Mayor.

I certify that the above and foregoing ordinance was published in "The Danville Daily News," (the same being a newspaper published in the city of Danville, Illinois,) dated Saturday, August 23d, 1890.

JOSEPH SHATZ,  
City Clerk.

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## AN ORDINANCE

TO AMEND SECTION 1 OF AN ORDINANCE ENTITLED "AN ORDINANCE PROVIDING FOR EXTENDING THE WATER MAINS OF THE DANVILLE WATER COMPANY AND RENTING OF IT THREE "ADDITIONAL HYDRANTS," PASSED AND APPROVED AUGUST 20th, 1890.

§ 1. *Be it ordained by the City Council of the City of Danville,* That section 1 of an ordinance entitled "An ordinance providing for

extending the water mains of the Danville Water Company and renting of it three additional hydrants," passed and approved August 25th, 1890, be, and the same hereby is, amended so as to locate fire hydrant No. 113 at the crossing of Hazel street and the first alley south of the Cleveland, Cincinnati, Chicago and St. Louis railroad, and the said Danville Water Company is hereby authorized and requested to so locate said fire hydrant at the above named point instead of at the crossing of Clay and Hazel streets, as prescribed in said original ordinance.

§ 2. This ordinance to take effect immediately after its passage and approval.

Passed and approved September 25th, 1890.

Attest:

JOSEPH SHATZ,  
City Clerk.

W. R. LAWRENCE,  
Mayor.

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## AN ORDINANCE

PROVIDING FOR EXTENDING THE WATER MAINS OF THE DANVILLE WATER COMPANY AND THE RENTING OF IT THREE ADDITIONAL HYDRANTS.

§ 1. *Be it ordained by the City Council of the City of Danville,* That the city of Danville requests and hereby requires the Danville Water Company, of Danville, Illinois, to extend its water mains by laying a six-inch water main from a convenient and proper point to the inclosure of the shops of the Chicago and Eastern Illinois Railroad Company at the Danville Junction, in Danville, Illinois.

§ 2. That the said city of Danville hereby further requires the said Danville Water Company to put at the places hereinafter specified three additional fire hydrants of the kind required by the ordinance of the said city of Danville relative to the water works of the said Danville Water Company, passed and approved on the 9th day of November, 1882—that is to say:

No. 116. One hundred and seventy-two feet east of present main and southeast of hydrant No. 101.

No. 117. One hundred and seventy-two feet west of present main and southwest of hydrant No. 101.

No. 118. One hundred feet north and two hundred feet east of hydrant No. 101.

§ 3. That in consideration of the compliance of the said Danville Water Company with the foregoing request and requirements, the said city of Danville hereby rents of and agrees to pay to the said Danville Water Company for the said three additional hydrants during the unexpired term of thirty years from the 9th day of November, 1882, at the rate of sixty-two dollars and fifty cents (\$62.50) annually for each hydrant, payable in quarter-yearly installments, commencing when the said hydrants are respectively in place and ready for use, for the uses and subject to the terms and conditions of the said ordinance, passed and approved on the 9th day of November, 1882.

§ 4. That the said quarter-yearly payments shall be made the first of February, the first of May, the first of August and the first of November in each year, and subject to termination by the purchase of the water works aforesaid by the said city of Danville.

§ 5. That this ordinance shall become binding as a contract upon its passage, approval and publication: *Provided, however,* That the said Danville Water Company shall, within ten days from the publication hereof, file with the city clerk of the said city of Danville an acceptance in writing of all its terms, conditions and provisions.

Passed September 3d, 1891 ; approved September 17th, 1891.

Attest:

JOSEPH SHATZ,  
City Clerk.

JOHN BEARD,  
Mayor.

I, Joseph Shatz, city clerk of the city of Danville, do hereby certify that the above and foregoing ordinance was published in "The Danville Daily Press," (a newspaper published in this city and state,) dated September 18th, 1891.

JOSEPH SHATZ,  
City Clerk.

## AN ORDINANCE

PROVIDING FOR EXTENDING THE PIPE SYSTEM OF THE DANVILLE WATER COMPANY AND RENTING OF IT ANOTHER FIRE HYDRANT.

*Be it ordained by the City Council of the City of Danville, in manner following—that is to say:*

§ 1. That the city of Danville requests and hereby requires the Danville Water Company to extend its pipe system to reach the southwest corner of Madison and Mill streets, and to put up at such corner one additional fire hydrant of the kind required by the water works ordinance of the city of Danville, passed and approved November 9th, 1882, and in consideration of the compliance by the said water company with the foregoing request and requirements, the said city of Danville hereby rents the said hydrant for the uses and subject to the conditions stated in the said ordinance of November 9th, 1882, for and during the unexpired term of thirty years from the 9th day of November, 1882, and agrees and binds itself to pay therefor at the rate of sixty-two dollars and fifty cents (\$62.50) per annum, beginning from the date when such hydrant shall be put into successful operation, in quarter-yearly installments, on the first days of February, May, August and November of each year, and terminating upon the expiration of the said term of thirty years from the 9th day of November, 1882, or upon the purchase of the said works and their privileges and property by the said city.

§ 2. This ordinance shall become binding as a contract on the city of Danville in the event that the Danville Water Company shall, within twenty days from the publication of this ordinance, file with the city clerk its written acceptance of it.

Passed November 5th, 1891; approved November 11th, 1891.

Attest:

JOSEPH SHATZ,  
City Clerk.

JOHN BEARD,  
Mayor.

I, Joseph Shatz, city clerk of the city of Danville, do hereby certify that the above and foregoing ordinance was published in "The Danville Evening Commercial," (a newspaper published in the city of Danville,) dated Friday, November 13th, 1891.

JOSEPH SHATZ,  
City Clerk.

## AN ORDINANCE

GRANTING TO THE CENTRAL UNION TELEPHONE COMPANY THE RIGHT TO PLACE AND MAINTAIN ITS POLES AND WIRES ON THE STREETS, ALLEYS AND PUBLIC WAYS OF THE CITY OF DANVILLE ON THE TERMS AND CONDITIONS THEREIN STATED.

§ 1. *Be it ordained by the City Council of the City of Danville, State of Illinois,* That the right is hereby granted for the term of fifteen years, to the Central Union Telephone Company, its successors and assigns, to place and maintain upon the streets, alleys and public ways of said city, the poles, wires and fixtures necessary and convenient, for supplying to the citizens of said city, and the public communication by telephone or other improved electrical device, all on the terms and conditions herein set forth: *Provided*, nothing herein contained shall be deemed and taken as granting an exclusive franchise to said Central Union Telephone Company.

§ 2. The location of the poles and lines now existing is hereby approved, except that all poles and lines which are now on any street shall be removed to an alley where there is an alley running parallel with such street, and within one hundred and sixty feet thereof, and any change therein or extension thereof, shall be made under the direction of the mayor and the committee on streets and alleys of said city.

§ 3. Such poles, wires and fixtures shall be so placed and maintained as not to interfere with ordinary travel on said highways, and said company shall hold and keep said city free and harmless from all damages arising by reason of such occupancy, and this right is given and shall be exercised subject to all reasonable and proper ordinances and regulations relating thereto, which said city may see fit, and be authorized now or at any time hereafter, to adopt.

§ 4. The said company shall allow the city's fire alarm and police wires to be attached to and maintained on any such poles: *Provided*, that the same shall be done at the expense of said city or of the contractor with said city and under the direction of said company's local manager in said city, and so as not to interfere with said company's business.

§ 5. Said company shall furnish to said city in consideration of the privileges and franchise granted by this ordinance, for city

business, and without charge, and so long as an exchange is maintained hereunder, and with exchange service, one telephone at the mayor's place of business; one at the residence of the chief of the fire department of said city; one at the office of the corporation counsel; one at the residence of city marshal, and one at office of city clerk, and one for each engine or hose house which said city may maintain; and also such other and additional telephones, with exchange service as the city council by resolution may require, at twenty-five per cent. discount from the rates from time to time charged for office uses: *Provided*, that for each of such telephones so furnished, separate contracts shall be previously signed by the mayor, having endorsed thereon the terms of payment herein specified.

§ 6. All telephone poles shall, so far as practicable, be erected and maintained in the alleys of said city; all poles erected in the streets of said city shall be straight, smooth and shapely, and shall be kept neatly painted with good paint of a pleasing color: *Provided*, that said poles may be painted black for a distance of not more than eight feet from the surface of the street.

§ 7. No person shall be permitted to disfigure, mar or use such telephone poles for the purpose of advertising anything, or for any other purpose whatever, without the consent of the said company and the city council of said city.

§ 8. Any person who shall disfigure, mar, or in any manner interfere with the said telephone poles or with said telephone wires or fixtures, shall be fined in any sum not less than ten dollars nor more than one hundred dollars for each offense.

§ 9. The expense of publishing this ordinance shall be paid by said Central Union Telephone Company.

§ 10. This ordinance shall be in full force from and after its passage, due publication and the filing of an unconditional acceptance of the terms thereof by said telephone company in the office of the city clerk of said city, within ten days from its passage.

Passed and approved July 20, 1891.

Attest:

JOSEPH SHATZ, City Clerk.

JOHN BEARD, Mayor.

The foregoing ordinance was published in "The Danville Daily Press," (the same being a newspaper published in said city of Danville,) dated July 25th, 1891.

JOSEPH SHATZ, City Clerk.



## AN ORDINANCE

LOCATING PUBLIC PARKS, AND PROVIDING FOR THE ISSUE OF BONDS TO RAISE FUNDS WITH WHICH TO PURCHASE GROUNDS FOR SUCH PUBLIC PARKS.

§ 1. *Be it ordained by the City Council of the City of Danville, Illinois,* That the following described premises, to-wit: Beginning at the southeast corner of the southwest quarter of section No. nine (9), township No. nineteen (19) north, range No. eleven (11) west of 2d P. M.; thence north nine hundred and twenty (920) links; thence west to the east boundary line of Illinois street as laid out and platted in W. C. McReynolds' third addition to Danville, as recorded on page 237 of Plat Record No. 1, in Vermilion county, Illinois; thence south to the section line, and thence east to the place of beginning, be purchased and forever set apart for the use of the inhabitants of said city as a public park or pleasure ground, to be known as Douglas Park.

§ 2. That the following described premises, to-wit: The southeast quarter of the northeast quarter of section No. six (6), township No. nineteen (19) north, range No. eleven (11) west of 2d P. M., except a strip one hundred and ninety-eight (198) feet and eleven (11) inches wide off of the east side thereof, and also except a strip three hundred and forty-six (346) feet and six (6) inches wide off of the south side thereof, be purchased and forever set apart for the use of the inhabitants of said city as a public park or pleasure ground, to be known as Lincoln Park.

§ 3. That for the purpose of raising funds with which to purchase such grounds, and improve the same, there shall be issued the bonds of the said city of Danville to the amount of fifteen thousand dollars, each bond to be of the denomination and value of one thousand dollars, and bearing interest at the rate of five per cent. per annum, payable annually at the office of the city treasurer, according to the tenor of the coupons attached to said bonds; the principal of said bonds to be payable at the same place, and said bonds to mature and become due and payable as follows—that is to say: Three of said bonds to become due and payable in five years from the date of issue; three in six years; three in seven years; three in eight years, and three in nine years from said date of the issue of said bonds. All of said bonds to be issued by or under the supervision of the mayor and the committee on finance of said city.

§ 4. That there shall be annually included in the annual appropriation ordinance and levied and collected with and as a part of the general taxes of the city for each fiscal year hereafter, until all of said bonds are paid, a sufficient amount of taxes to pay the interest on such bonds as it falls due, and also to pay and discharge the principal of said bonds as they fall due, as herein provided.

§ 5. The mayor and city clerk of said city of Danville are hereby authorized to sign said bonds and the interest coupons thereto attached so as to bind the said city of Danville for the prompt and faithful payment thereof.

§ 6. This act to be in full force from and after its passage.

Passed and approved this 22d day of May, A. D. 1891.

Attest:

JOSEPH SHATZ,  
City Clerk.

JOHN BEARD,  
Mayor.

## AN ORDINANCE

IN RELATION TO THE CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY.

§ 1. *Be it ordained by the City Council of the City of Danville, County of Vermilion and State of Illinois*, That the Chicago and Eastern Illinois Railroad Company, its successors, lessees or assigns, is hereby authorized, empowered and permitted to construct, operate and forever maintain a single or double track railway, with all necessary switches, in, upon, and across the following streets in said city of Danville, and any and all intersecting streets and alleys at the points and on the route and manner hereinafter designated, to-wit :

Beginning at a point three hundred (300) feet south at right angles from the south line of Fairchild street, in the city of Danville, in the county of Vermilion, in the State of Illinois, and fifty (50) feet west of the east line of the west half of the southwest quarter of section four (4), township nineteen (19) north, range eleven (11) west, in the county of Vermilion and State of Illinois; thence southeasterly by a curve to the left with a radius of five hundred and twenty (520) feet, crossing the center line of Collett street two hundred (200) feet, measured on the center line of said street, north of the center line of the Indiana, Bloomington and Western railroad track, and connecting with the Evansville, Terre Haute and Chicago railway track, of which the said Chicago and Eastern Illinois Railroad Company is a lessee, four hundred and fifty-three (453) feet, measured on the center line of railroad track, eastwardly from the east line of said Collett street, in said city of Danville, in accordance with the survey and profile hereto attached, marked Exhibit "A," and made a part of the first section of this ordinance: *However*, Upon any and all conditions, limitations, restrictions and provisions which are now or may hereafter be lawfully imposed upon said company, its lessees, successors or assigns—that is to say :

§ 2 That the right of way hereby granted to the said Chicago and Eastern Illinois Railroad Company in, upon, over and across the above mentioned streets and alleys, in the first section of this ordinance, is upon the following conditions: Said Chicago and Eastern Illinois Railroad Company shall pay or cause to be paid all damages incurred by any private property holder on account of the construction, maintenance or use of this railroad as aforesaid, in, upon, over

or across any of the said streets and alleys mentioned and named in the first section of this ordinance, and shall save and keep said city harmless from any and all loss, damages, suits or outlay of money or costs on account of or by reason of the construction or use of said railroad in, upon or across any of its above mentioned streets or intervening alleys by reason of the construction and use of said railroad.

§ 3. That said railroad company shall have the right to use said railroad track for all purposes for which a railroad track is used, and shall be allowed to pass all or any of its trains of all classes and kinds over the same in order to connect the said railroad tracks at said point as aforesaid.

§ 4. That said railroad company, its lessees, successors or assigns, shall at all times be liable and conform to all ordinances of said city in regard to the rate of speed of running trains, and as to signals on crossings or other points, and to all ordinances in relation to railroads now or hereafter to be enacted by the city council in relation to railroads.

§ 5. This ordinance to be in full force and effect from and after its passage.

Passed and approved this 3d day of April, A. D. 1884.

Attest :

A. C. FREEMAN,  
City Clerk.

L. T. DICKASON,  
Mayor.

The foregoing ordinance was published in "The Danville Leader," (the same being a newspaper published in said city of Danville,) dated Friday, April 18th, A. D. 1884.

A. C. FREEMAN,  
City Clerk.



# INDEX.





# INDEX.

NOTE—"cl" stands for clause.

## A.

ACCOUNTS.	LAWS.	Page.	Section.
Treasurer to keep, of each separate fund.....		36	93
Clerk to keep, of outstanding bonds.....		39	106
City collector to keep, as prescribed by council .....		37	100
In case of dispute, appeal to finance committee.....		40	108

## ORDINANCES.

City collector to keep, books of.....	114	7
---------------------------------------	-----	---

## ACCESSORIES.

Defined and punished .....	187	69
----------------------------	-----	----

## ACTIONS.

### LAWS.

To recover fines and penalties, how brought.....	27	66
Summons—affidavit—punishment.....	28	68
Form of process—arrest—imprisonment.....	85	267

### ORDINANCES.

Statement to be filed.....	217	22
No process necessary when lawful arrest made without warrant.....	217	23

## ADDITIONS. (See Plats.)

### LAWS.

Plat of, to be submitted to council .....	66	173
---	----	-----

### ORDINANCE.

Streets of, must correspond with established streets.....	93	1
Plat of, must be submitted to council .....	93	2
Not valid unless approved by council.....	94	2
Penalty for selling lots in addition not approved.....	94	4
Penalty for recording plat of, not approved.....	94	3
Plat of, to have certificate signed by mayor and clerk.....	94	5

## ADVERTISEMENTS.

### LAWS.

Power of council to regulate posting of.....	20	17cl
Power to regulate carrying of .....	20	18cl
For bids for public improvements.....	58	164

ALDERMEN.	LAWS.	Page.	Section.
May be elected on general ticket.....		5	7
At first election classified.....		16	52
Number of.....		10	30
Term of office.....		12	31
Vacancy, how filled .....		12	32
Qualifications of aldermen.....		12	33
Not to be interested in any contract with city.....		12	33
Not eligible to other office under city.....		12	33
Ineligibility of.....		12	33
Office of, vacated by conviction of bribery.....		12	35
May be expelled but once for same offense.....		12	35
Any two, may lay over report.....		13	43
May call special meeting of council.....		14	45
Aldermen under minority plan.....		17	54
Conservators of peace, powers of .....		32	83
Compensation of, limited .....		33	85
	ORDINANCES.		
Contesting election of .....		133	23
Compensation of .....		135	2
Not required to give bonds as.....		198	3
Not to be commissioned as other officers.....		199	5
Members of the police department .....		211	1
Three, may call special meeting of council.....		226	1
AMUSEMENTS.	LAWS.		
Power of council to license, tax, etc.....		22	41cl
Power to regulate places of.....		23	58cl
Power to prevent certain.....		26	92cl
	ORDINANCES.		
Keeping place of, open on Sunday.....		179	26
Carrying on, on Sunday.....		179	27
Classification of.....		95	1
License required.....		96	2
License and fees .....		96	3
Class and fee to be decided by mayor.....		96	4
License subject to all ordinances.....		96	5
Entertainments where liquor is sold .....		96	6
Owners, lessees or agents must see that license is procured .....		97	7
Chairs not allowed in aisles.....		97	8
Persons not allowed to loiter in hallways, etc.....		97	9
Minors not allowed at variety shows where liquor is sold... ..		97	10
License not to issue to or authorize an indecent play.....		97	11
Good order must be preserved—penalty.....		98	12
Penalty for disorderly conduct at places of.....		98	13
Mayor to grant permission to circus to parade streets.....		98	14
Shooting galleries, license required for.....		99	15

ANIMALS.	LAWS.	Page.	Section.
Power to regulate speed of .....		20	21cl
Power to punish cruelty to.....		25	73cl
Power to prohibit, running at large.....		25	80cl
Prohibited at large within corporate limits.....		90	1
May be restrained by anyone finding at large .....		90	3
ORDINANCES.			
Prohibited from running at large .....		1 0	1
Penalty for permitting, to run at large.....		100	2
May be impounded.....		100	3
Shall be fed by poundmaster while in pound.....		101	4
Police to take up and impound.....		101	5
Any citizen may impound.....		101	6
Redemption of impounded.....		101	7
Proceeding when not redeemed.....		102	8
Releasing animals from pound without authority.....		105	16
Wrongful taking of, to pound.....		105	17
Driving loose animals through the streets.....		106	23
Killing diseased, for meat.....		111	3
Selling diseased, for food.....		111	4
Driving unhaltered horses, etc., through streets.....		188	73
Indecent exhibition of.....		176	13
Leaving, unfastened.....		180	31
Cruelty to.....		179	29
Dead, becoming offensive a nuisance.....		191	7
Removal of, in offensive manner .....		191	8
Turning, into parks prohibited .....		204	3
Driving, on sidewalks .....		252	21
ANNEXATION OF TERRITORY.			
Petition to be annexed .....		69	195
Not to annex less than the whole, except.....		69	195
Annexing one corporation to another .....		70	196
Proceeding by corporation to annex.....		70	197
Contents of petition.....		70	197
Notice of proceedings.....		71	198
Objections to annexation, how made.....		71	199
Trial may be continued.....		71	199
Finding by court--costs .....		71	200
Proceedings by owners to be annexed.....		71	201
Proceedings to disconnect territory .....		72	202
Map and ordinance to be recorded .....		72	203
School districts may use act.....		72	204
Courts to take judicial notice.....		72	205
Owners desiring to disconnect .....		73	205a
Petition required.....		73	205a

ANNEXATION OF TERRITORY—Continued.		Page.	Section.
Property disconnected not exempt from taxes.....	73	205a	
Ordinance recorded.....	73	205b	
Courts to take judicial notice of the change.....	73	205c	
APPEAL.			
LAWS.			
Appeal from special assessments not to invalidate, etc.....	53	148	
City not required to furnish bond.....	67	177	
APPOINTMENT.			
LAWS.			
Of persons to revise ordinances.....	10	28	
Mayor to make, of officers.....	30	74	
ORDINANCES.			
Of city collector .....	113	1	
Of city engineer .....	115	1	
Of corporation counsel .....	122	2	
Of city weighers.....	119	1	
Of poundkeepers.....	100	3	
Of commissioner of health.....	149	2	
Of assistant commissioners of health.....	150	4	
Of members of the police force.....	211	2	
Of special police .....	214	12	
Of temporary police.....	214	13	
Of standing committees of council.....	227	2	
APPROPRIATIONS.			
LAWS.			
Yea and nay vote to be taken upon.....	13	41	
Mayor may veto items of appropriation.....	14	46	
Annual appropriation ordinance.....	34	89	
Ordinance making, to be published.....	27	64	
When to be made.....	34	89	
Additional, to be first sanctioned by a majority of voters...	35	89	
Limitation of expenditures.....	35	90	
Salaries may be fixed in, etc.....	76	244	
AREA-WAYS.			
Entrance to, on sidewalks, how protected.....	250	13	
Must have a permit to construct, under walks .....	249	11	
Coal holes .....	250	14	
ARRESTS.			
Police officers may make.....	215	15	
Made at night.....	217	20	
Without warrant .....	217	23	
Of persons escaped from custody .....	220	36	
Posse comitatus to make.....	221	37	
Officer making, to appear as witness .....	218	25	

ASHES.	LAWS.	Page.	Section.
Power to regulate the deposit of.....		20	15cl
Power to prevent deposit of, in unsafe places.....		24	63cl
	ORDINANCES.		
Deposit of .....		143	19
Throwing, on streets or alleys.....		259	18
ASSEMBLAGES.			
Unlawful, defined and prohibited.....		174	1
Permitting unlawful .....		175	4
ASSAULT, AFFRAYS, ETC.			
Punishment of .....		174	2
ATTORNEY—CITY.	LAWS.		
Election of, biennially.....		15	49
To be elected.....		29	72
	ORDINANCES.		
Salary of.....		135	4
Duties of.....		200	12
ATTEMPT TO COMMIT OFFENSE.			
Punishment for.....		187	68
AUCTIONEERS.	LAWS.		
Power to license and regulate.....		26	91cl
	ORDINANCE.		
All goods sold at auction to be sold by.....		107	1
Must have a license—fee—bond.....		107	2
License may issue for less than one year.....		107	2
Application for license to be made in writing.....		107	3
License not transferable, except by mayor's consent.....		107	3
Auctioneer's clerks to be named in license.....		108	4
License may be revoked.....		108	5
Certain things may be sold by, on streets, etc.....		108	6
Penalty for substituting one article for another.....		108	7
Penalties for selling at auction without license.....		108	8
AWNINGS.	LAWS.		
Power to regulate.....		20	17cl
	ORDINANCE.		
Obstructing street by.....		251	16
How constructed.....		251	16
Penalty for violating ordinance relating to.....		251	16
B.			
BADGES.			
Police may be required to wear.....		221	38
Members of fire department to wear.....		147	35

BALL-PLAYING.		LAWS.		Page.	Section.
Power to regulate and prevent.....				26	92cl
		ORDINANCES.			
Prohibited in inhabited parts of city.....				181	40
Not allowed on streets.....				183	53
BALLOTS AND BALLOT BOXES.					
		LAWS.			
Form of, for organizing city under general law.....				4	3
		ORDINANCES.			
Ballot box to be provided by clerk .....				129	8
Manner of constructing ballot boxes.....				129	8
City clerk shall prepare all ballots, etc.....				129	9
Ballots shall be provided at expense of city.....				129	9
Boxes to be opened and exhibited before election begins...				130	12
"Defective," "objected to" and "excess" ballots.....				130	14
Disposition of ballots, when and how destroyed.....				131	15
To be returned to city clerk .....				131	16
Opening and counting ballots in contest cases .....				134	28
BAWDY-HOUSES. ( <i>See Houses of Ill-Fame.</i> )					
BAGATELLE. ( <i>See Billiards.</i> )					
BICYCLES.					
Riding, on sidewalks permitted in certain cases.....				254	28
Not allowed on certain streets .....				254	28
BILLIARD TABLES.		LAWS.			
Power to license, regulate and prohibit.....				22	44cl
		ORDINANCES.			
Penalty for keeping, without license.....				109	1
License fee required.....				109	2
When billiard room to be closed.....				109	3
Not to allow minors at, where liquor is sold .....				110	4
Minors not allowed to loiter around, except, etc.....				110	5
Keeping open on Sunday.....				179	26
BILL POSTING.		LAWS.			
Power to regulate.....				20	17cl
		ORDINANCES.			
Punishment for posting without owner's consent.....				183	51
In public parks forbidden.....				206	14
BOARD OF HEALTH. ( <i>See Health Department.</i> )					
BOISTEROUS CONDUCT.					
By driver of cab, coach, dray, etc.....				266	8

BONDS.	LAWS.	Page.	Section.
Power of council to issue .....		19	5cl
To be given by all city officers .....		30	75
Penal sum, how approved, where filed.....		30	75
Record of, kept by clerk.....		39	106
	ORDINANCES.		
Auctioneers must give.....		107	1
Dramshop keepers to give to People, etc., and to city.....		165	4
Pawnbroker required to give.....		207	2
Second-hand dealer required to give.....		233	3
Must be given before paved street is opened.....		262	31
Required before granting vehicle license.....		265	5
BONDS—OFFICIAL.	LAWS.		
To be given by all city officers.....		30	75
Penal sum, and how approved .....		30	75
Bond of mayor—limit.....		30	75
	ORDINANCES.		
Poundkeeper to give.....		101	3
City collector to give.....		113	2
City engineer to give.....		115	2
City weighers to give.....		119	2
Corporation counsel to give .....		122	3
Of city officers.....		198	3
Sureties on .....		198	4
New bond may be required, when.....		198	4
Amount of, in certain cases.....		198	3
Of policemen.....		212	3
BONFIRES.			
Not to be built at night, except by permit.....		143	20
Not allowed in parks.....		205	11
BOUNDARY.			
Of ward No. 1.....		268	
Of ward No. 2.....		268	
Of ward No. 3.....		269	
Of ward No. 4.....		269	
Of ward No. 5.....		269	
Of ward No. 6.....		270	
Of ward No. 7.....		271	
BORROWING MONEY.	LAWS.		
Limited to five per cent. of valuation .....		19	5cl
BOYS.	ORDINANCES.		
Loitering about churches, theatres, stores, etc.....		188	72
Climbing on fences, shade trees, etc., without leave.....		182	42
Rolling hoop, playing ball, etc.....		181	40
Making disturbance .....		181	39



BRIBERY.	LAWS.	Page.	Section.
Conviction of, disqualifies alderman.....		12	33
Penalty for .....		31	79
BRIDGES.	LAWS.		
Power to construct and keep in repair.....		21	28cl
Power to regulate passing of.....		22	38cl
Power to establish toll.....		26	87cl
City may build, within five miles of limits.....		67	194
Control of outside bridges built by city by city council.....		68	194a
Regulating speed over, and penalties,* arrests, etc.....		68	194b
	ORDINANCES.		
Committee on, to be appointed by mayor.....		227	2
Duties of committee on.....		228	12
Boys climbing on, punishment for.....		182	42
Injuring.....		182	44
Fast driving over.....		185	59
Railroads to construct, over streets, etc.....		223	4
BUILDINGS.	LAWS.		
Power to prescribe mode of construction.....		23	61cl
Power to fix limits within which wooden, shall not be.....		24	62cl
Power to tear down, when damaged by fire or decay.....		24	62cl
To provide for erection, etc., of public.....		26	86cl
To require dangerous, to be put in safe condition.....		24	63cl
	ORDINANCES.		
Numbering of.....		260	23
Penalty for not numbering.....		261	27
Numbering on new building.....		261	28
Permit must be obtained for, in fire limits.....		137	2
Character of, in fire limits.....		137	3
Plans and specifications for, to be submitted to city engineer		137	2
No wooden, allowed in fire limits.....		138	4
Removal of wooden.....		138	5
Wooden building defined.....		138	6
Wooden, declared a nuisance.....		139	7
How to abate nuisance of wooden .....		139	7
Damaged, to be removed.....		139	8
Procedure for condemnation of .....		139	9
Removal of damaged, penalty.....		140	10
Fire in, how to be built.....		143	22
Outdoor fires near to.....		143	22
Malicious injury to.....		182	44
Dilapidated, a nuisance.....		193	17
How to abate nuisance of dilapidated.....		194	18
Owner of dilapidated, to be notified to abate .....		194	19
Dilapidated, to be destroyed.....		194	19

BUILDINGS—Continued.	Page.	Section.
Expense of abating dilapidated, to be paid by owner.....	195	20
In danger of falling, a nuisance.....	195	22
Mayor to summon disinterested citizens to condemn.....	195	23
Material in street.....	256	4
Removal of, through streets.....	258	12
Standing in street not to be repaired.....	258	11

## BURGLAR TOOLS.

Having, in possession punished.....	181	36
-------------------------------------	-----	----

## BUTCHERS.

## ORDINANCES.

License required.....	110	1
To keep a record book of all animals slaughtered.....	111	2
Killing diseased animals.....	111	3
Selling diseased animals or flesh.....	111	4
Selling unwholesome provisions.....	112	5
Displaying produce, etc., on benches.....	112	6
Inspectors of meat.....	112	7
Ofal not to be discharged into sewer.....	244	15
Permit must be had to operate slaughter house.....	192	12
Operating slaughter house in offensive manner.....	192	13
Written application for slaughter house permit to be made	192	14
Council has discretion in granting permit for slaughter house.....	193	14

## C.

## CARS.

## LAWS.

Power to regulate speed of, in city .....	20	21cl
---	----	------

## ORDINANCES.

Penalty for running, over fire hose.....	148	39
Throwing stones at street.....	186	62
Minors climbing on street.....	186	63
Refusing to pay fare on street .....	186	64
Disorderly conduct on street.....	186	65
Obstructing operation of street.....	186	66
Regulating speed of.....	223	1
Obstructing street with.....	223	2

## CARTS.

Carrying offensive matter to be tightly covered .....	192	11
---	-----	----

## CELLARS.

## LAWS.

Power to abate nuisance in.....	25	84cl
---------------------------------	----	------

## ORDINANCES.

Under sidewalks forbidden.....	249	10
Under sidewalks must be built by permit from city council	249	11

CELLARS--Continued.		Page.	Section.
Cellar door in street open at night.....	257	7	
Foul, a nuisance.....	190	3	
CEMETERIES.			
LAWS.			
Power to regulate, establish and remove.....	25	79c	
May prohibit within one mile of city limits.....	25	79c	
ORDINANCES.			
Dead body not to be interred in, without permit.....	153	14	
CENSUS.			
LAWS.			
Authority to take.....	66	175	
Courts to take judicial notice of population.....	67	175	
CHEESE.			
LAWS.			
Power to regulate sale of.....	23	50c	
Power to regulate inspection of.....	23	53c	
CHIMNEYS. ( <i>See Buildings.</i> )			
LAWS.			
Power to regulate construction of.....	24	63c	
ORDINANCES.			
Manner of constructing.....	140	12	
Burning out.....	143	23	
To be kept perfectly secure—penalty.....	195	21	
CHURCHES. ( <i>See Religious Assemblies.</i> )			
CIRCUS. ( <i>See Shows.</i> )			
LAWS.			
Power to tax, license and prohibit.....	22	41c	
ORDINANCES.			
License fee required.....	96	3	
CISTERNS.			
LAWS.			
Power to regulate construction and use of.....	23	57	
CITIES.			
LAWS.			
Organization of, under general law.....	3	1	
How, may adopt general law.....	3	1	
How town may become city.....	4	4	
Organization—petition, election, result.....	4	5	
Courts to take judicial notice of organization.....	5	6	
Prior laws in force in.....	5	6	
Election of officers in newly organized.....	5	7	
Corporate name, powers of.....	6	10	
Prior ordinances in force until, etc.....	6	11	
Legal identity not affected by.....	6	11	
Rights and property of old corporation to vest in new.....	6	12	
Record of result of election.....	6	13	
Number of aldermen in.....	10	2	
Not to become indebted to amount exceeding, etc.....	19	5c	

CITIES—Continued.	Page.	Section.
Fiscal year of.....	34	88
Power to make improvements by special assessments.....	45	116
May buy in property sold for special assessments.....	57	159
May adopt Article IX .....	54	168
Tax-payer may enforce rights in name of city.....	66	172
Inhabitants of, competent as jurors.....	66	174
Municipal year of.....	67	176
City need not give appeal bond.....	67	177
<b>CITY COUNCIL.</b>		
<b>LAWS.</b>		
To submit question of incorporation under general law.....	3	1
Canvass returns of election on organization.....	4	3
May elect mayor pro tem.....	8	17
May disapprove of removal of officer.....	9	20
Fix compensation of revisers of ordinances .....	10	28
How composed .....	10	29
Judge of election and qualification of members.....	12	34
May punish members—expulsion.....	12	35
Determine its own rules .....	12	35
A majority shall constitute a quorum.....	13	36
May compel attendance of absentees.....	13	36
Meetings of .....	13	37
May elect temporary chairman.....	13	38
Shall sit with open doors .....	13	39
Shall keep a journal of its proceedings.....	13	40
Yeas and nays, when taken.....	13	41
Two-thirds vote to sell city property.....	13	41
Not to rescind vote at special meeting unless, etc.....	13	42
When committee report laid over.....	13	43
Territorial jurisdiction of.....	13	44
Special meetings of, how called.....	14	45
Vetoed ordinances returned to.....	14	46
Two-thirds vote required to pass vetoed ordinance.....	14	47
Shall designate place of election.....	17	56
May divide city into wards.....	15	51
Shall give notice of and appoint judges, etc., of election..	17	56
Shall canvass returns of election.....	17	57
Shall cause a statement of result to be entered on journal	17	57
To control finances of city.....	19	62
To appropriate money for corporate purposes.....	19	2cl
To levy and collect taxes for corporate purposes.....	19	3cl
To fix amount, terms, etc., of license.....	19	4cl
Borrow money and issue bonds.....	19	5cl
Levy tax to pay indebtedness.....	19	5cl
Issue bonds in place of maturing bonds .....	19	6cl

## CITY COUNCIL—Continued.

Page. Section.

Open, alter and improve streets, etc.....	19	7cl
To plant trees upon streets.....	20	8cl
To regulate the use of streets.....	20	9cl
To prevent and remove obstructions on same.....	20	10cl
To provide for lighting same.....	20	11cl
To provide for cleansing same.....	20	12cl
Regulate openings therein for gas, etc., sewers, etc.....	20	13cl
Regulate use of sidewalks.....	20	14cl
To require the removal of snow, etc.....	20	14cl
Prevent depositing of ashes, etc., in streets.....	20	15cl
Provide for crosswalks, curbs and gutters.....	20	16cl
Regulate use of streets for signs, etc.....	20	17cl
Regulate the carrying of banners, etc.....	20	18cl
Regulate the flying of flags, etc.....	20	19cl
Regulate traffic and sales on streets.....	20	20cl
Regulate the speed of animals, locomotives, etc.....	20	21cl
Regulate the numbering of houses, etc.....	20	22cl
To name and change the name of streets.....	21	23cl
Permit and regulate laying street railway tracks.....	21	24cl
To provide for and change grade of railroads.....	21	25cl
Powers over railroad companies.....	21	26cl
To construct, etc., bridges, viaducts, tunnels, etc.....	21	28cl
To construct, etc., culverts, drains, sewers, etc.....	21	29cl
To deepen, widen, etc., channel of water courses.....	21	30cl
To construct canals, etc., for commerce.....	21	31cl
To erect landing places, wharves, etc.....	21	32cl
To regulate private landing places.....	22	33cl
To regulate anchorage, etc., of water craft.....	22	33cl
Regulate wharf and other boats.....	22	34cl
To license wharf boats, etc.....	22	35cl
To fix rate of wharfage, etc.....	22	36cl
To collect wharfage from all boats, etc.....	22	37cl
To make regulations for harbors.....	22	38cl
To appoint harbor-masters.....	22	39cl
To provide for cleansing water courses, etc.....	22	40cl
To license, etc., hawkers, peddlers, theatricals, amusements, etc.....	22	41-44cl
To suppress bawdy and gambling houses.....	22	45cl
To regulate sale of intoxicating liquors.....	22	46cl
Punish selling of liquors to minors.....	23	48cl
To establish market houses, etc.....	23	49cl
To regulate sale of meats, etc., and provide place, etc.....	23	50cl
To prevent and punish forestalling, etc.....	23	51cl
To regulate sale of bread and prescribe weight, etc.....	23	52cl
To provide for inspection of meats, etc.....	23	53cl

## CITY COUNCIL—Continued.

Page. Section.

To regulate inspection and measurement of lumber, wood, etc.....	23	54cl
To provide for sealing, etc., of weights and measures.....	23	55cl
To enforce the keeping of proper weights, etc.....	23	56cl
To regulate construction of cisterns, etc.....	23	57cl
To regulate places of amusement.....	23	58cl
To prevent intoxication, etc., and disorderly conduct.....	23	59cl
To regulate partition fences and party walls.....	23	60cl
To regulate construction of buildings—fire escapes.....	23	61cl
Power to prescribe fire limits.....	24	62cl
To prevent dangerous construction of chimneys.....	24	63cl
Provide engine houses and fire engines.....	24	64cl
Regulate storage of combustibles and fireworks.....	24	65cl
Regulate the police of the city.....	24	66cl
Provide for the inspection of steam boilers.....	24	67cl
Establish calabooes and workhouses.....	24	69cl
Use county jail for offenders.....	24	70cl
To regulate the relation between officers.....	24	71cl
Prevent and suppress riots, routs, affrays.....	25	72cl
To prevent cruelty to animals.....	25	73cl
To punish vagrants, mendicants and prostitutes.....	25	74cl
To define a nuisance and to abate the same.....	25	75cl
Appoint board of health.....	25	76cl
Establish hospitals.....	25	77cl
Make health regulations.....	25	78cl
Establish and regulate cemeteries.....	25	79cl
Prohibit stock running at large.....	25	80cl
Impose a tax on dogs.....	25	80cl
Regulate packing houses, renderies, etc.....	25	81cl
Prohibit unwholesome business.....	25	83cl
To compel the removal of unwholesome business.....	25	84cl
Power to take census.....	25	85cl
Provide for erection of public buildings.....	26	86cl
Establish ferries and toll bridges.....	26	87cl
Authorize construction of mills and millraces.....	26	88cl
Extend street or construct sewer through railroad lands...	26	89cl
Grant privilege to lay railroad track only on petition.....	26	90cl
License and regulate auctioneers, etc.....	26	91cl
Regulate rolling of hoops, etc., on streets.....	26	92cl
Regulate the keeping of lumber yards in fire limits.....	26	93cl
Provide for furnishing supplies by contract.....	26	94cl
License, etc., junk and second-hand dealers.....	27	95cl
Pass all necessary ordinances, etc.....	27	96cl
Jurisdiction over waters.....	29	71
Council to be elected.....	29	72

## CITY COUNCIL—Continued.

Page. Section.

Create and discontinue offices.....	29	73
May define powers and duties of officers.....	30	74
Journal of, kept by clerk.....	32	81
To fix compensation of mayor.....	33	84
Pass annual appropriation bill.....	34	89
Order improvements after appropriation is made.....	35	90
May make temporary loan, when.....	35	90
Provide for the payment of judgments.....	35	90
Contracting liabilities limited.....	35	91
Deposit of city funds.....	36	96
May levy and collect taxes.....	41	111
Make improvements by special assessments or special taxation.....	45	116
Appoint committee to estimate cost.....	49	135
Order petition for special tax filed in court.....	50	136
May order purchase of delinquent assessments.....	57	159
May annul special assessment.....	57	160
May order new assessment against delinquents.....	57	162
May provide for a supply of water.....	65	169
Acquire property for water works.....	65	170
Make regulations, rates, etc., concerning water.....	65	171
May levy tax and appropriate money for water works.....	65	171
Approve maps, plats, subdivisions, etc.....	66	173
Provide for labor by prisoners—workhouse.....	85	267
May annex territory upon petition.....	69	195
Proceeding by corporation to annex territory.....	70	197
May disconnect territory.....	72	205a
May contract for water supply.....	75	242
May fix maximum rates for water.....	76	243a
May levy taxes for sewerage purposes.....	78	253
May levy tax for extension of water mains.....	79	254
May require certain persons to labor on streets.....	81	258a
May construct drains, etc.....	86	1
May pay therefor by special assessments.....	87	2
Proceedings in such case.....	87	3
May convey real estate in certain case.....	87	1
Ordinance therefor—notice—bids.....	87	2
May provide for pleasure driveways.....	88	1
May provide for inspection of steam boilers.....	89	1
May regulate travel and speed on pleasure drives.....	89	3
Have control of bridges built by city outside city limits.....	68	194a

## ORDINANCES.

Maps, plats and additions approved by.....	94	2
Shall provide pounds for animals running at large.....	100	3
To approve bond of poundkeeper.....	101	3



## CITY COUNCIL—Continued.

Page. Section.

May provide for additional poundkeepers.....	105	19
May order marshal or policeman to act as poundkeeper...	105	20
May revoke license of auctioneers.....	108	5
To confirm appointment of city collector.....	113	1
To confirm appointment of city engineer.....	115	1
May require city engineer to make plans, surveys, etc.....	116	5
May require additional duties from city engineer.....	118	17
Not to allow claims unless they are sworn to.....	121	1
To confirm appointment of corporation counsel.....	122	2
Shall appoint judges and clerks of election.....	128	4
Shall canvass returns of elections.....	131	17
May decide tie elections.....	132	18
May order new election, when.....	132	20
Is the tribunal for hearing aldermanic contests.....	133	23
Shall fix time for taking testimony in contested election cases .....	133	25
Shall decide contested election of aldermen.....	134	27
May make complaint under fire ordinance that building is damaged, etc.....	139	9
Shall provide for the removal of lumber yards from fire limits.....	146	31
To confirm appointment of health commissioner.....	149	2
May grant license to itinerant merchant.....	156	3
May exempt bona fide resident from paying license fee.....	157	7
Licenses not transferable without consent of.....	162	5
May, with mayor, grant dramshop license.....	164	3
To approve bonds of dramshop keepers.....	165	4
Applications for dramshop license presented to.....	165	6
Dramshop license not transferable without consent of.....	170	22
To confirm appointive officers.....	197	1
Records of officers open to inspection of.....	199	8
To confirm appointment of policemen.....	211	2
May order culvert, crossing, etc., over railroad repaired...	224	6
Rules of.....	229	15
Meetings of.....	226	1
Standing committees of.....	227	2
May prescribe regulations for bicycle riding on walks.....	254	28
May grant permit to make opening in paved street, when	262	31
Supplies to be purchased on contract let by.....	263	1
Shall designate who shall purchase supplies.....	263	3
Shall make contract for board of prisoners.....	264	6

## CITY CLERK.

## LAWS.

Ordinances to be deposited in the office of.....	14	46
When to be elected.....	15	49

CITY CLERK—Continued.	Page.	Section.
Returns of election made to.....	17	57
To notify persons elected or appointed to office.....	18	59
When to call special election.....	18	60
Certify to ordinances.....	27	65
Oath and bond of officers to be filed with.....	30	75
His bond filed with treasurer.....	31	75
Receives certificate from the mayor.....	31	76
Signs commissions of city officers.....	31	76
Not to hold other office.....	32	80
Shall attend meetings of city council.....	32	81
Record all ordinances.....	32	82
May administer oaths.....	33	87
Give receipts to collector, when.....	38	100
Perform duties of comptroller, when.....	39	104-105
May appoint clerks and subordinates.....	40	109
File certified copy of ordinance levying taxes.....	41	111
Issue warrants for collection of special sidewalk assessments	83	261
To prepare special tax list for sidewalks, when .....	83	262
Pay over sidewalk tax collected to treasurer.....	83	261
Return delinquent special tax list for sidewalks.....	83	261
ORDINANCES.		
Shall attest mayor's signature to approval of plats.....	94	5
To receive the fee and issue license for shows, etc.....	96	4
To issue license to actioneers, when.....	107	3
May, at pleasure, examine city weigher's books.....	121	12
Must attest druggist's permit to sell liquor.....	126	7
Shall give notice of general election.....	127	2
To give notice of special election.....	128	3
Shall make and deliver to marshal notice of appointment of judges and clerks.....	128	4
Shall provide ballot boxes, voting booths, etc.....	129	8
Shall provide ballots, poll books, blanks, etc.....	129	9
Shall preserve all ballots six months.....	131	15
Shall destroy ballots, when, how.....	131	15
Shall enter canvass of returns on journal.....	131	17
To issue notice of tie vote.....	132	18
Shall notify persons of their election.....	132	19
Statement of contest of election to be filed with.....	133	24
Proofs in contested elections to be filed with.....	133	26
Ballots to be counted in presence of.....	134	28
Salary of.....	135	6
To issue and sign license of itinerant merchant.....	157	3
To issue license to junk dealer.....	159	3
To countersign all licenses signed by mayor.....	161	3
To issue license upon payment of fees.....	161	2

CITY CLERK—Continued.		Page	Section.
Shall keep a register of all licenses issued, etc.....	162	6	
To issue all dramshop licenses.....	166	7	
General duties of.....	200	13	
Disbursing agent of several committees.....	201	13	
Must enroll all ordinances.....	203	10	
Shall preserve the original of all ordinances.....	203	10	
To issue roller skating rink license when fee is paid.....	226	4	
Shall prepare all commissions under seal.....	232	2	
Shall affix corporate seal to all official acts.....	232	2	
Shall certify copies of records under seal.....	232	2	
Copy of order for supplies to be filed with.....	263	3	
CITY COLLECTOR.			
LAWS.			
Power to appoint.....	29	73	
Duties of.....	37	100	
Books, warrants, etc., open to inspection.....	37	100	
Reports required of.....	38	101	
Not to detain money.....	38	102	
Examination of his books—paying over.....	38	103	
To take receipt from treasurer.....	38	103	
Council may require further duties of.....	40	107	
May appeal to finance committee in adjusting accounts....	40	108	
To give notice of warrants in special assessments.....	54	151	
Manner of collecting—entry of payment.....	54	152	
Penalty for not serving notice.....	55	152	
Report delinquent list to county collector.....	55	153	
Penalty when lands are sold where taxes were paid.....	56	156	
Paying over—compensation.....	56	157	
ORDINANCES.			
Office created.....	113	1	
Bond of.....	113	2	
Duties of.....	113	3	
Authorized to receive special taxes.....	113	4	
To pay special taxes to treasurer.....	114	5	
To make report each regular meeting.....	114	5	
To return delinquent taxes to county collector.....	114	6	
To keep books of account.....	114	7	
Compensation of.....	115	8	
CITY COMPTROLLER.			
LAWS.			
Power of council to provide for election or appointment of	29	73	
For duties of, <i>see</i> sections 104–110.....	38		
CITY ENGINEER.			
LAWS.			
Authority to appoint.....	29	73	
ORDINANCES.			
Appointment of.....	115	1	

CITY ENGINEER—Continued.	Page.	Section.
Bond of.....	115	2
Oath of.....	115	3
Compensation of, how paid.....	116	4
To make plans, surveys, and establish grades.....	116	5
To inspect material, keep books, examine accounts.....	116	6
To designate grades for walks and supervise work.....	116	7
To supervise public work.....	116	8
To remove walks not conforming to grade.....	116	8
To preserve all books and keep record of all transactions..	117	9
To make all surveys, appoint chainmen—field notes.....	117	10
To superintend labor on streets—pay rolls—reports.....	117	11
To fix lot boundaries and furnish certificates.....	117	12
To preserve and keep tools in good condition.....	118	13
To keep streets in safe condition.....	118	14
To keep railroad crossings open.....	118	15
To annually cause streets to be put in good condition.....	118	16
Additional duties may be required of.....	118	17
To make maps of streets and assign numbers to houses....	118	18
To adjust house numbers and correct mistakes.....	119	19
Vacancy in office of, how filled.....	119	20
Salary of.....	135	7
Shall examine plans for buildings in fire limits.....	137	2
To give permit for building in fire limits, if approved.....	137	2
All sewers to be under supervision of.....	235	1
To grant permit for house sewer connection.....	241	6
To keep plats showing location of sewers.....	241	7
To grant permit or license to plumber for sewer work.....	241	8
Written application made to, for house connection.....	241	9
Permit to be granted, when.....	242	10
To approve sureties on bond for private sewer.....	242	11
Manner of opening sewer trench determined by.....	242	12
Private connections made under direction of.....	243	13
To supervise flush tanks.....	244	14
No excavation around sewers except by permit of.....	244	16
To have access to private house to inspect.....	244	18
When no, appointed, acting engineer to serve.....	245	20
Shall prepare all necessary sewer blanks.....	245	22
To fix grade for sidewalk.....	247	2
To locate line for sidewalk on application.....	247	4
Authorized to take up walk not laid to grade.....	248	6
To take up and remove old walks.....	248	7
To remove all walks not conforming to ordinance.....	248	8
May serve notice to remove improper awning.....	251	16
May require obstructions to be removed from street.....	256	2
Required to remove obstructions in street.....	256	3

## CITY ENGINEER—Continued.

Page. Section.

To assign house numbers.....	261	28
To grant permits for openings in paved streets.....	262	30
Conditions on which he may grant permit.....	262	31

## CITY TREASURER.

## LAWS.

To be elected.....	29	72
When elected.....	15	49
Not eligible for two terms in succession.....	15	49
Oath—bond.....	30	75
Not to hold other office.....	32	80
Duties of.....	36	92
Books, etc., subject to inspection.....	36	92
Shall keep separate accounts.....	36	93
Shall give receipts and file copies of same.....	36	94
Monthly statements of, warrants, vouchers, etc.....	36	95
Deposit of funds separate from his own.....	36	96
Not to use city funds for his own use.....	36	96
May be removed by city council.....	37	96
Annual report of—publication.....	37	97
Warrants drawn upon.....	37	98
To keep separate assessment funds separate.....	37	99
Council may impose other duties upon.....	40	107
May appoint clerk, when authorized.....	40	109
May appeal to finance committee.....	40	108

## ORDINANCES.

All special taxes to be paid to.....	114	5
Salary of.....	135	5
Required to take oath.....	198	2
Amount of bond.....	198	2
Not to become surety on other bond.....	198	4
Must be commissioned.....	199	5
Record of, open to inspection.....	199	8
Report of, to be examined by finance committee.....	228	7

## CITY MARSHAL.

## LAWS.

City council may provide for election or appointment of....	30	73
---	----	----

## ORDINANCES.

Duty to enforce ordinance relating to chairs in aisles at theatres.....	97	8
Council may make, poundkeeper.....	101	4
To post notice of impounded animals.....	103	10
Compensation when acting as poundkeeper.....	105	20
Is inspector of meat and provisions.....	112	7
To kill unmuzzled dog unlawfully running at large.....	124	2
To kill bitch in heat while running at large.....	124	3

CITY MARSHAL—Continued.		Page.	Section.
To serve notice of appointment on judges, etc., of election	128	4	
Compensation of.....	135	8	
To remove condemned building from fire limits.....	140	9	
Ex-officio fire warden.....	144	26	
May inspect junk dealer's record .....	159	6	
Shall enforce all ordinances relating to licenses .....	163	8	
Shall enforce ordinances relating to dramshops .....	167	11	
Must report convictions under dramshop ordinance to mayor .....	169	17	
To report to mayor where gambling is carried on.....	177	18	
Required to serve notice on owner of dilapidated building	194	19	
Required to abate nuisances .....	196	25	
To report to city council cost of abating nuisance.....	197	26	
To be appointed by mayor annually.....	197	1	
Required to give bond—oath of.....	198	2	
Must be commissioned.....	199	5	
May inspect pawnbroker's record .....	207	3	
May inspect pawnbroker's premises.....	208	7	
Member of police department.....	211	1	
Duties of.....	212	5	
Is custodian of property.....	212	6	
Reports required from.....	212	7	
Absence from city of.....	213	8	
To divide police force into day and night force.....	213	9	
May designate an officer to fill duties of turnkey.....	213	10	
Must provide a police record.....	213	11	
May examine records of second-hand dealers.....	234	6	
Shall designate stands for licensed vehicles.....	266	9	
May require driver of licensed vehicle to move the same...	266	10	
CITY PRISON.			
LAWS.			
Power to establish and maintain.....	24	69cl	
ORDINANCES.			
Persons arrested at night may be confined in.....	217	20	
In default of bail, prisoner may be committed to.....	216	19	
Prisoner may be confined in, until fine and costs paid.....	218	28	
Imprisonment in, not to exceed six months.....	219	28	
Prisoner discharged from, on paying fine and costs.....	219	30	
Turnkey to have charge of.....	213	10	
CITY PRISON KEEPER.			
LAWS.			
Power to appoint.....	24	69cl	
ORDINANCES.			
Member of fire department to be designated as.....	213	10	
He shall remain at city prison, except.....	213	10	
Other duties of.....	213	10	

CITY PRINTING.	LAWS.	Page.	Section.
Power to let to lowest bidder.....		26	94cl
CITY PROPERTY.	LAWS.		
Two-thirds vote of city council necessary to sell .....		13	41
CITY REGISTER.	LAWS.		
Office of abolished.....		7	13a
CITY WEIGHER.	LAWS.		
Power to regulate weighing, etc.....		23	54cl
	ORDINANCES.		
Appointment of.....		119	1
Bond—license—fee .....		119	2
Scales, location of—penalty.....		120	3
Scales, how provided.....		120	4
Scales, adjustment of.....		120	5
Deputy weighers.....		120	6
Business hours of.....		120	7
Fees, register and certificate of weight.....		120	8
Record to be kept by.....		120	9
Weight of vehicles, how ascertained.....		121	10
Altering certificate of—penalty.....		121	11
Inspection of books of.....		121	12
CLAIMS AGAINST CITY.	ORDINANCES.		
Must be sworn to.....		121	1
Must be referred to committee.....		121	1
Committee on.....		228	9
For goods not ordered by council.....		263	4
COAL.	LAWS.		
Power to regulate inspection and weighing of.....		23	54cl
	ORDINANCE.		
Permissive price for weighing.....		120	8
Coal holes in sidewalks.....		250	14
Not to obstruct street with.....		257	8
COMBUSTIBLE MATERIALS.	LAWS.		
Power to regulate and prevent storage of.....		24	65cl
	ORDINANCES.		
Not more than twenty-five pounds powder to be stored.....		146	35
Spittoons not to be filled with.....		144	25
Persons not to leave shavings, etc., near building.....		144	24
All, to be removed from shop where stove is kept. ....		142	16
COMMISSIONS.	LAWS.		
Officers to be commissioned, how.....		31	5
	ORDINANCES.		
Of city officers.....		199	5



COMMITMENT.	LAWS.	Page.	Section.
Power to commit offenders for examination.....		33	83
Power to commit for non-payment of fine.....		85	267
ORDINANCES.			
Of prisoners, under ordinances.....		218	28
Not to exceed six months .....		218	28
COMMITTEES.	ORDINANCES.		
Committee on license to be appointed.....		164	2
On public grounds to have charge of parks.....		204	1
Standing, of city council.....		227	2
For duties of standing committees, <i>see</i> chapter XXXIV..		226	
CONCEALED WEAPONS.	ORDINANCES.		
Carrying, punishment for.....		179	23
CONDEMNATION.	ORDINANCES.		
Procedure for condemnation of building.....		139	9
Of dilapidated building....		194	18
Of building in danger of falling.....		195	23
CONSTRUCTION OF WORDS.			
Words used in ordinance construed.....		202	5
CONTAGIOUS DISEASES.	ORDINANCES.		
Removal of persons with.....		151	6
Notice of pestilence.....		152	7
Report of, by physician to commissioner of health.....		152	8
Bringing person or clothing into city.....		153	11
Removal of infected clothing from city.....		153	12
Vaccination of persons.....		153	13
CONTESTING ELECTIONS. ( <i>See</i> Elections.)			
CONTRACTS.	LAWS.		
Officers not to be interested in.....		31	78
Not to be made without an appropriation.....		35	91
Payable from special assessments.....		58	163
How, to be let .....		58	164
When, may be let without advertising.....		58	164
ORDINANCES.			
Not authorized by ordinance, etc., forbidden.....		229	14
Supplies to be purchased on.....		263	1
CONVEYANCES.	LAWS.		
All, of real or personal property to be made by.....		88	3
CORPORATION COUNSEL.	LAWS.		
Power to appoint.....		30	73
ORDINANCES.			
Office created.....		122	1

CORPORATION COUNSEL—Continued.		Page.	Section.
Appointed by mayor.....	122	2	
Oath and bond of.....	122	3	
Duties of.....	122	4	
To deliver all papers, etc., to successor.....	123	5	
Compensation of.....	123	6	
To prepare all official bonds.....	198	4	
COSTS.			
ORDINANCES.			
In certain cases taxed against prosecutor.....	218	27	
Prisoner may be released by paying fine and .....	219	30	
Abating nuisance, how collected.....	195	20	
Other nuisances, costs in abating.....	196	25	
Prisoner may be committed until costs are paid.....	218	28	
Not to be taxed against or collected from the city.....	218	26	
Attending removal of condemned building.....	140	9	
In case of impounded animals.. .	101	7	
COUNTY COLLECTOR.			
ORDINANCE.			
Return of delinquent special taxes to be made to.....	114	6	
COURT.			
Definition of, as used in ordinance.....	202	3	
CROSSINGS.			
ORDINANCE.			
Railroad company to construct.....	223	4	
Mayor to give fifteen days' notice to construct.....	223	5	
City may build and recover cost.....	224	6	
Flagmen at certain, to be kept.....	224	7	
May require gates to be erected at.....	224	7	
Penalty for violation of ordinance relating to.....	225	9	
Fire on street crossings.....	259	19	
CURBS.			
ORDINANCES.			
Sidewalks measured from line of, to abutting property.....	246	1	
D.			
DANGEROUS SPORTS.			
ORDINANCES.			
Not to be indulged in.....	181	40	
DEAD ANIMALS.			
Permitting to become offensive, a nuisance.....	191	7	
Removing, in offensive manner, a nuisance.....	191	8	
DEBT.			
LAWS.			
Not to be incurred unless appropriation has previously been made.....	35	91	
When tax levied for particular debt, how applied.....	43	114	

		Page.	Section.
DEEDS.			
City clerk to have custody of all.....		39	104
DEPOTS.			
Idling about, prohibited.....		185	60
Boys not to congregate at.....		188	72
DEPUTY.			
ORDINANCES.			
City weighers may be appointed.....		120	6
DISCHARGE OF PRISONERS.			
Prisoners may be discharged by paying fine.....		219	30
DISORDERLY CONDUCT.			
LAWS.			
Power to prevent.....		23	59cl
ORDINANCES.			
Punishment for.....		175	3
Disturbing peace of family.....		175	5
Disturbing congregation.....		175	6
Indecent exposure of person.....		175	9
By boys.....		181	39
Throwing stones at street cars.....		186	62
On street cars.....		186	65
Obstructing operation of street cars.....		186	66
DISORDERLY HOUSES.			
LAWS.			
Power to suppress.....		22	45cl
ORDINANCES.			
Keeping of, punishment.....		179	24
House of ill-fame—penalty.....		178	21
Permitting premises to be used for.....		178	21
Inmates and frequenters of.....		178	22
DISCONNECTING TERRITORY.			
LAWS.			
From cities and villages.....		72	202
Ordinances for, to be recorded.....		72	203
By persons owning unplatted lands in city limits.....		72	205a
DISTILLERS.			
LAWS.			
Power to license.....		26	91cl
Power to direct location of distilleries.....		25	82cl
DISTURBANCE.			
LAWS.			
Power to prevent and suppress.....		25	72cl
ORDINANCES.			
Disturbing funeral.....		179	24
Disturbing peace of family.....		175	5
Disturbing congregation.....		175	6
Creating, on street cars.....		186	65
Boys loitering about churches, etc.....		188	72

DOGS.	LAWS.	Page.	Section.
Power to prevent dog fights.....		23	59cl
Power to restrain and tax.....		25	80cl
	ORDINANCES.		
Mayor may require all, to be muzzled.....		123	1
Unmuzzled, declared a nuisance.....		124	2
Bitch in heat running at large a nuisance.....		124	3
Dangerous dogs a nuisance—penalty.....		124	4
DRAINS.	LAWS.		
Power to construct and regulate use of.....		21	29cl
City authorized to construct and maintain.....		86	1
May be constructed by special assessments.....		87	2
Proceedings in such cases.....		87	3
DRAMSHOP LICENSE. (See Liquors.)			
	LAWS.		
Power to license.....		22	46cl
Power to forbid.....		23	48cl
	ORDINANCES.		
To be closed on election day.....		133	22
Must have license to keep.....		163	1
Bonds must be given to keep.....		165	4
Application for license to keep, how made.....		165	5
Person refused license for, not to be interested in.....		166	8
Selling on Sunday forbidden.....		167	10
Lewd women not permitted to frequent.....		167	12
License revoked for allowing lewd women to loiter in.....		168	13
Open at what hours.....		168	14
Keeper to maintain orderly house.....		168	15
Not to allow drunkenness or gaming.....		168	16
License not to be granted in certain cases.....		169	18
Minors not to be employed in.....		170	19
Minors not allowed to loiter in.....		170	20
License of keeper of, not transferable.....		170	22
License to be posted.....		171	23
Use of slides, dumb-waiters, etc., forbidden in.....		171	24
Windows kept so interior may be seen.....		171	26
DRAYS—CARTS.	LAWS.		
Power to license and fix compensation of.....		22	42cl
	ORDINANCES.		
License required for.....		264	1
Rate of license for keeping dray.....		265	4cl
Number of license to be kept on.....		265	3
Rate for carrying property allowed.....		265	6
Marshal to designate stands for.....		266	9
May be removed from any place by marshal.....		266	10

DRUGGISTS.	LAWS.	Page.	Section.
Power to grant permits to.....		23	46cl
	ORDINANCES.		
May sell intoxicating liquors.....		124	1
Restrictions on right to sell intoxicants.....		125	2
Not allowed to sell beer, except.....		125	3
Not to sell liquor on Sunday.....		125	4
Not to sell liquor to be drunk on premises.....		125	5
To keep register open to inspection.....		125	6
Permission to sell liquors evidenced by permit.....		126	7
Permit may be revoked.....		126	8
Penalty for violating ordinances.....		126	9
DRUNKENNESS.	ORDINANCES.		
In public places.....		175	8
Drunken driver.....		180	30
Drinking in public places.....		184	55
Sale of liquor to person intoxicated.....		168	16
Selling liquor to habitual drunkard.....		170	21
Cause of removal of police.....		216	18
DUMB-WAITERS, SLIDES, ETC.	ORDINANCES.		
Use of, in dramshop forbidden.....		171	24
Any such now in use to be removed.....		171	24
Penalty for keeping.....		171	24

## E.

ELECTIONS.	LAWS.		
For incorporation of cities under general law.....		3	1
Notice of.....		4	2
Ballot—result.....		4	3
For organizing a city.....		4	4
Of city officers after change of organization.....		5	7
When county judge to give notice of.....		6	8
Record of result of.....		6	13
When general election of city officers to be held.....		15	48
What officers elected at.....		15	49
Who entitled to vote at.....		15	50
Places where held—city council to give notice.....		17	56
Judges and clerks of.....		17	56
Manner of conducting.....		17	57
Returns of, to be made to city clerk.....		18	57
Council to canvass returns, etc.....		18	57
In case of a tie, how determined.....		18	58
When special election shall be held.....		18	60

<b>ELECTIONS—Continued.</b>	<b>Page.</b>	<b>Section.</b>
Special elections, how conducted, etc .....	18	61
May be called to sanction additional appropriation.....	35	89
On annexation of one incorporation to another.....	70	196
<b>ORDINANCES.</b>		
Time for holding general.....	127	1
Clerk to give notice of.....	127	2
Special elections .....	127	3
Appointment of judges and clerks.....	128	4
Compensation of judges and clerks.....	128	5
Vacancies in judges and clerks, how filled.....	128	6
Oath—vacancies after polls open.....	128	7
Ballot boxes, voting booths.....	129	8
Ballots, poll books and blanks to be furnished .....	129	9
Time of opening and closing polls.....	129	10
Proclamation to be made .....	129	11
Ballot boxes to be opened and exhibited.....	130	12
General election laws applicable to .....	130	13
Canvassing votes and making returns.....	130	14
Disposition to be made of ballots.....	131	15
Penalty for failure to make returns.....	131	16
Canvassing returns by council.....	131	17
Tie vote, how to be decided.....	132	18
Notice to persons elected.....	132	19
Failure to elect—new election .....	132	20
Order to be preserved at polls.....	132	21
Dramshops to be closed.....	133	22
Contesting election of aldermen.....	133	23
Statement of contest to be served by copy on contestee...	133	24
Taking testimony in contests.....	133	25
Time for filing proofs with clerk.....	133	26
Hearing contest by council—decision.....	134	27
Opening and counting ballots.....	134	28
<b>ENROLLMENT OF ORDINANCES.</b>		
All ordinances shall be enrolled by clerk.....	203	10
<b>ESTIMATES.</b>	<b>LAWS.</b>	
Annual, of city clerk.....	39	104
Committee to make, for improvement by special tax.....	49	135
<b>ORDINANCES.</b>		
Committees to prepare, for all supplies.....	263	1
City engineer to make, when required.....	116	5
<b>EVIDENCE.</b>	<b>LAWS.</b>	
Of ordinances, how proved.....	27	65
Book of ordinances to be received.....	27	65
Certified copy of records prima facie.....	32	82

EVIDENCE—Continued.	Page.	Section.
Commissioners' report on special assessment competent...	53	145
ORDINANCE.		
In contested aldermanic elections.....	133	25
EXCAVATIONS.	ORDINANCES.	
Must be protected by railings and shown by red lights.....	256	6
Must be protected at night.....	257	7
Adjoining streets to be guarded.....	258	14
In streets must be by permit.....	258	15
EXECUTION.	LAWS.	
Execution or order of commitment may issue upon imposition of fine or penalty. ....	28	68
EXHIBITIONS. (See Amusements.)		
LAWS.		
Power to license and regulate.....	22	41cl
ORDINANCES.		
Indecent, of person.....	175	9
Indecent, of animals.....	176	13
EXPENDITURES.	LAWS.	
Not to exceed appropriations.....	35	90
For improvement not to exceed appropriation.....	35	90
Not to be incurred without an appropriation.....	35	91
ORDINANCES.		
Not to be incurred unless authorized by council....	229	14
EXPLOSIVE MATERIALS. (See Gunpowder.)		
LAWS.		
Power to regulate storage of.....	24	6 cl
ORDINANCES.		
Weighing or measuring, by gaslight .....	180	34
EXPRESSMEN.	LAWS.	
Power to license and regulate.....	22	42cl
F.		
FALSELY CLAIMING TO BE AN OFFICER.		
Punishment for.....	220	33
FALSE REPRESENTATION.		
By driver of licensed vehicle.....	267	11
FAST DRIVING.	LAWS.	
Power to regulate.....	20	21cl
ORDINANCES.		
Punishment for.....	180	30
On bridges.....	185	59



FEES, AND SALARIES.	LAWS.	Page.	Section.
Of officers to be fixed by ordinance.....		33	86
Not to be increased or diminished during term.....		33	86
Fees received by officers to be reported .....		33	86
ORDINANCES.			
Poundkeeper's fees for feeding animals.....		106	22
For taking up animals.....		106	22
For selling impounded animals.....		106	22
Of justices and magistrates for services in pound cases.....		106	22
Of city weighers.....		120	8
Of city officers ( <i>see</i> chapter XV).....		134	
Witness and jury fees in city cases.....		218	26
FENCES.	LAWS.		
Power to regulate partition.....		23	60cl
ORDINANCES.			
Posting bills on, without consent of owner.....		183	51
FINANCES.	LAWS.		
Power of council to control.....		19	1cl
Fiscal year may be fixed by ordinance.....		34	88
Annual appropriation ordinance.....		34	89
Limitation—emergency—borrowing money .....		35	90
Contracting liabilities limited.....		35	91
Committee on.....		227	2
Duties of committee on.....		228	7
FINES. ( <i>See</i> Penalties.)	LAWS.		
Power to impose, for creating or continuing nuisance.....		25	75cl
Power to pass ordinance for imposing, not to exceed \$20) .....		27	96cl
Ordinance imposing, to be published.....		27	64
Suits for recovery of, how brought.....		27	66
To be paid into city treasury.....		28	67
Commitment to city prison for non-payment of.....		28	68
Allowance on, for work, etc.....		28	68
How action brought to recover.....		85	267
City council may enforce labor on streets by.....		81	258b
ORDINANCES.			
Not released by repeal of ordinance.....		202	8
To be paid into city treasury.....		219	32
Neglect of police magistrate to pay over.....		220	32
FIREARMS.	ORDINANCE.		
Punishment for discharging.....		181	38
Not allowed in parks.....		204	4
FIRE DEPARTMENT.	LAWS.		
Power to provide or organize.....		24	64cl
To tax insurance companies to support.....		40	110

## FIRE DEPARTMENT—Continued.

	ORDINANCES.	Page.	Section.
Members of.....		146	33
Duties of chief of.....		146	34
Duties of members of.....		147	35
Bystanders subject to orders of chief of.....		148	36
Breaking apparatus belonging to .....		148	37
Driving vehicle over hose of.....		148	38
Running cars over.....		148	39
Throwing water on persons unnecessarily.....		148	46
Absence of chief of.....		148	41
Vehicles obstructing.....		149	42
Salary of members of.....		135	9
FIRE ESCAPES.	LAWS.		
Power to prescribe construction of .....		23	61cl
	ORDINANCES.		
Theatres to be provided with.....		145	28
Procedure to enforce erection of.....		145	29
FIRE LIMITS.	LAWS.		
Power to prescribe.....		24	62cl
Power to direct removal of building damaged fifty per cent.		24	62cl
	ORDINANCES.		
Boundaries of.....		136	1
Permits for buildings in.....		137	2
Character of buildings in.....		137	3
No wooden buildings allowed in.....		138	4
Removal of wooden buildings.....		138	5
Wooden building.....		138	6
Damaged buildings to be removed from.....		139	8
Procedure for condemnation of building.....		139	9
Removal of damaged building—penalty. ....		140	10
Penalties for violating ordinances.....		140	11
Stovepipes, chimneys, hearths.....		140	12
Hot-air, water and steam furnaces.....		141	13
Boiler houses and boiler rooms.....		141	14
Shavings, stoves, fires, etc., in shops.....		142	16
Lights in barns.....		142	17
Carrying fire.....		142	18
Depositing ashes.....		143	19
Burning straw, bonfires, etc.....		143	20
Boiling pitch, tar, etc.....		143	21
Fire in building—outdoor fires.....		143	22
Burning out chimneys.....		143	23
Scattering shavings.....		144	24
Planing mills, lumber yards in, a nuisance.....		146	31

<b>FIRES AND FIREWORKS.</b>	<b>LAWS.</b>	<b>Page.</b>	<b>Section.</b>
Power to guard against.....		24	62cl
Power to regulate.....		24	65cl
	<b>ORDINANCES.</b>		
Fire wardens.....		144	26
Exploding fireworks without permission .....		181	38
Giving false alarm of.....		175	7
In parks prohibited, except by workmen.....		205	11
Fireworks not allowed in parks.....		204	4
On street crossings.....		2 9	19
<b>FISCAL YEAR.</b>	<b>LAWS.</b>		
When to commence.....		34	88
Power of council to fix.....		34	88
<b>FLAGMEN.</b>	<b>LAWS.</b>		
Power to require at railroad crossing of streets.....		21	27cl
	<b>ORDINANCES.</b>		
City may require railroads to keep, at crossings.....		224	7
Required at certain places named.....		224	7
<b>FLOUR.</b>	<b>LAWS.</b>		
Power to provide for the inspection of.....		23	53cl
<b>FOODS.</b>	<b>LAWS.</b>		
Power to regulate sale, etc., of various.....		23	50cl
<b>FOUL MATTER.</b>	<b>ORDINANCES.</b>		
Suffering premises to accumulate with, a nuisance .....		190	3
Depositing, on premises creates a nuisance.....		190	4
Depositing, in river a nuisance.....		190	5
<b>FORESTALLING.</b>	<b>LAWS.</b>		
Power to prevent and punish.....		23	51cl
<b>FORMS.</b>	<b>LAWS.</b>		
Of ballots at election for organizing under general law.....		4	3
Form or style of ordinances.....		27	63
Of official oath.....		30	75
Of petition for condemning property.....		46	120
Of oath of commissioners for special assessment.....		50	138
Of notice to owner of special assessment.....		51	141
Of notice of assessment for publication.....		52	141
Of collector's notice of special assessment.....		54	151
	<b>ORDINANCES.</b>		
Of statement of offense filed with magistrate.....		217	22
Of poundkeeper's notice.....		102	9
Poundkeeper's notice of sale.....		104	13
<b>FRAUDULENT DEVICES AND PRACTICES.</b>	<b>LAWS.</b>		
Power to suppress.....		22	45cl

## G.

## GAMING AND GAMING HOUSES.

	LAWS.	Page.	Section.
Power to suppress.....		22	45cl
	ORDINANCES.		
Not allowed in dramshop.....		168	16
Punishment for gambling.....		176	14
Inmates of gaming houses.....		176	15
Keeping or maintaining.....		177	16
Leasing premises for.....		177	17
Duty of police in reference to.....		177	18
Police to destroy implements of.....		178	19
Lotteries prohibited.....		178	20
In parks prohibited.....		205	9

## GARBAGE.

	LAWS.		
Power to prevent throwing of, in streets and alleys.....		20	15cl
	ORDINANCES.		
Throwing orange or banana peel on walk.....		181	37
Throwing or depositing in parks .....		206	13
Not allowed in sewers.....		244	15

## GAS COMPANIES.

	LAWS.		
Powers of council over.....		20	13cl
Power to regulate openings in streets for gas mains.....		20	13cl

## GASOLINE.

	LAWS.		
Power to regulate storage of.....		24	65cl
	ORDINANCE.		
Measuring by gaslight.....		180	34

## GATES.

Opening over sidewalk a nuisance.....		253	24
---------------------------------------	--	-----	----

GEESE. (*See* Animals.)

	LAWS.		
Power to restrain from running at large.....		25	80cl
	ORDINANCES.		
Ordinance relating to animals applies to.....		106	21

GOATS. (*See* Animals.)

	LAWS.		
Power to restrain from running at large.....		25	80cl

## GRADES.

	LAWS.		
Power to establish.....		19	7cl
Power to compel railroads to conform to.....		21	27cl
	ORDINANCES.		
All sidewalks to conform to.....		247	2
Laying sidewalks contrary to.....		247	3

GRADES—Continued.	Page.	Section.
Removing grade stakes.....	259	16
City engineer to establish.....	116	5
For walks to be designated by engineer.....	116	7
Removal of walks not conforming to . ....	116	8
GROCERY. LAWS.		
Power to compel owner of, to cleanse .....	25	84cl
GUNPOWDER. LAWS.		
Power to regulate storage of .....	24	65cl
ORDINANCES.		
Weighing, by gaslight—punishment for.....	180	34
HACKMEN. LAWS.		
Power to license, regulate, etc.....	22	42
ORDINANCES.		
Boisterous conduct by.....	266	8
False representation or extortion by.....	267	11
HANDBILLS. LAWS.		
Power to regulate posting and carrying of.....	20	17-18cl
ORDINANCES.		
Throwing on streets.....	260	20
Not allowed posted in parks.....	206	14
HAWKERS AND PEDDLERS. (See Peddlers.)		
LAWS.		
Power to license and regulate.....	22	41cl
ORDINANCES.		
Not allowed in parks.....	205	6
HAY. LAWS.		
Power to regulate inspection and weight of.....	23	54cl

## H.

HEALTH DEPARTMENT. LAWS.		
Power to appoint board of health.....	25	76cl
Power to establish hospitals.....	25	77cl
Power to make health regulations.....	25	78cl
Power to appoint health commissioner.....	29	73
ORDINANCES.		
Office of health commissioner created.....	149	1
Appointment of health commissioner .....	149	2
Duties of commissioner.....	150	3
Assistant commissioners.....	150	4
Establishment of hospitals, nurses.....	151	5
Removal and care of persons with contagious disease.....	151	6

HEALTH DEPARTMENT—Continued.		Page.	Section.
Notice of pestilence—penalty.....	152	7	
Report of physicians to commissioner.....	152	8	
Changing wearing apparel .....	152	9	
Spreading of smallpox.....	153	10	
Bringing clothing or person infected into city.....	153	11	
Vaccination of persons.....	153	13	
Burial permits.....	153	14	
Scavengers must obtain permit.....	154	15	
Removal of infected clothing from city.....	153	12	
Scavengers must report to health commissioner.....	154	16	
Report of health commissioner.....	154	17	
Payment of expenses.....	154	18	
Penalty for disobeying health commissioner.....	154	19	
Compensation of health commissioner.....	154	20	
Present commissioner to continue in office.....	154	21	
HIDES.			
Allowed to become foul, a nuisance.....	191	6	
HIGHWAYS.		LAWS.	
Power to compel railroad to keep track on level with sur- face of.....	21	27cl	
HOOPS.		LAWS.	
Power to prevent and regulate rolling of.....	26	92cl	
ORDINANCES.			
Rolling in street forbidden.....	181	40	
HORSES.		LAWS.	
Power to regulate speed of.....	20	21cl	
Power to restrain, from running at large.....	25	80	
Prohibited from running at large.....	90	1	
ORDINANCES.			
Fast driving of.....	180	30	
Scaring of, on streets.....	180	32	
Leaving unfastened.....	180	31	
Driving unaltered, through streets.....	188	73	
Hitching, to shade trees.....	183	48	
Hitching, to lamp posts.....	183	47	
Hitching horses to trees in parks.....	205	12	
Obstructing street with team.....	257	9	
HORSE RAILROADS.		LAWS.	
Power to permit, regulate or prohibit.....	21	24cl	
No permit for longer term than twenty years.....	21	24cl	
Power to grant use of streets for, how exercised.....	26	90cl	
HORSE TROUGHS.		LAWS.	
Power to regulate.....	20	17cl	

HOSPITALS.	LAWS.	Page.	Section.
Power to establish. ....		25	77cl
	ORDINANCES.		
Commissioner of health may establish, when.....		151	5
Nurses for, how appointed.....		151	5
HOUSES OF ILL-FAME. ( <i>See</i> Disorderly Houses.)			
	LAWS.		
City council forbidden to license.....		74	217
Board of health forbidden to inspect inmates.....		74	217
	ORDINANCES.		
Keeping of, punishment for.....		178	21
Being an inmate of.....		178	22
HOUSE NUMBERING.	LAWS.		
Power to regulate.....		20	22cl
	ORDINANCES.		
City engineer to assign numbers to houses.....		118	18
City engineer to adjust numbers.....		119	19
Mistakes in, corrected by engineer.....		119	19
Certificate to be given to owner.....		119	18
Numbers required on all buildings.....		260	23
Decimal system adopted.....		260	24
Manner of numbering houses.....		260	25
Size of numbers to be used.....		261	26
Penalty for not numbering.....		261	27
Numbering on new building.....		261	28
HOUSE CONNECTIONS.			
Sewer connections made under engineer's direction .....		243	13
Application for leave to make sewer.....		241	9
Must be made by licensed plumber .....		241	8
Must have fixtures for water supply.....		245	19
HOT-AIR, WATER OR STEAM FURNACES.			
	ORDINANCES.		
Manner of constructing.....		141	13
HYDRANTS. ( <i>See</i> Water Works.)			
	LAWS.		
Power to regulate construction of.....		23	57cl
	ORDINANCES.		
Meddling with.....		184	57
	I.		
IDLING.	ORDINANCES.		
About depots.....		185	60
About churches, stores, etc.....		188	72
Living without means of support—vagrants.....		184	58



IMPRISONMENT.	LAWS.	Page.	Section.
Power to order, etc .....		28	68
Not to exceed six months.....		28	68
	ORDINANCES.		
May be made for non-payment of fine.....		218	28
Not to exceed six months.....		218	28
Release from, by payment of fine.....		219	30
Of persons arrested at night or on Sunday.....		217	20
Of persons drunk when arrested.....		217	21
Release from, by giving bail.....		217	24
IMPROVEMENTS.	LAWS.		
When made by general tax.....		49	131
When made by special tax.....		49	132
Manner of apportioning assessments.....		50	139
Making of, to be let by contract.....		58	164
INDEBTEDNESS.	LAWS.		
Limited to five per centum of valuation.....		19	5cl
INDECENCY.	LAWS.		
Power to suppress and prevent.....		22	45cl
	ORDINANCES.		
Exposure of person.....		175	9
Exposure of animals.....		176	13
Indecent act in public park.....		205	10
INJURY.			
To pavements.....		182	43
To bridges, buildings or property.....		182	44
To street lamps, telephone and telegraph poles, etc.....		182	45
To gas service boxes or water pipes.....		183	52
INSPECTOR OF WEIGHTS AND MEASURES.	LAWS.		
Power of council to provide for.....		23	55cl
INSPECTORS OF MEAT AND PROVISIONS.	ORDINANCES.		
Police and board of health are.....		112	7
INSURANCE COMPANIES.	LAWS.		
Tax on foreign, agents to pay.....		40	110
INTOXICATION. (See Drunkenness.)	LAWS.		
Power to prevent.....		23	59cl
	ORDINANCES.		
Punishment for being in a state of .....		175	8
In public parks.....		205	10

ITINERANT MERCHANTS.	LAWS.	Page.	Section.
Power to license, tax, regulate and restrain.....		27	62a
	ORDINANCES.		
Prohibiting, from selling without license.....		155	1
Clerk, agent, servant, etc., liable as principal.....		155	1
Defines, as understood in ordinances.....		155	2
Rate of license—bond.....		156	3
License of, to be kept posted.....		157	4
Oath required of.....		157	5
Rebate on license, when allowed.....		157	6
Limitation on amount of rebate.....		157	6
Exception may be made of bona fide taxpayer.....		157	7
Penalty for violating ordinance.....		158	8

## J.

JAIL.	LAWS.		
City may use county jail for confinement of offenders.....		24	70cl
	ORDINANCE.		
Prisoners may be confined in, for non-payment of fine.....		218	28

JUDGES.	LAWS.		
Of county, when to call election for organization of city.....		4	5
	ORDINANCES.		
To appoint person to witness burning of ballots.....		131	15

JUDGES OF ELECTIONS. ( <i>See Elections.</i> )	LAWS.		
How appointed.....		17	56
May appoint clerks of election to fill vacancies.....		17	57
To make returns to city clerk.....		18	57
	ORDINANCES.		
Appointment of.....		128	4
Compensation of.....		128	5
Vacancies, how filled.....		128	6
Oath of—vacancies during election.....		128	7

JUDGMENTS.	LAWS.		
Against city—borrowing money to pay.....		35	90
In condemnation proceedings.....		47	125
In special assessment proceedings.....		52	144
On special tax for sidewalks.....		84	263

JUNK SHOPS.	LAWS.		
Power to license and regulate.....		27	95cl
	ORDINANCES.		
Junk dealer defined.....		158	1
License required—penalty.....		158	2

JUNK SHOPS—Continued.		Page.	Section.
Terms on which license may issue.....	158	3	
Expiration of license.....	159	4	
Junk dealer's record to be kept.....	159	5	
Record open to inspection.....	159	6	
Not allowed to purchase from minors.....	160	7	
Goods purchased to be kept three days.....	160	8	
Not to purchase railroad brass or iron.....	160	9	
Agent subject to same penalty as principal.....	160	10	
Violating ordinance to forfeit license.....	160	11	
JURISDICTION.		LAWS.	
Territorial, of city council.....	13	44	
General powers of council.....	19	6.	
Over bawdy and disorderly houses.....	22	45cl	
Over cemeteries.....	25	79cl	
Over packing houses, renderies, etc.....	25	81cl	
Of Justices of the peace.....	28	69	
Over waters.....	29	71	
JURORS.		LAWS.	
In condemnation proceedings.....	46	122	
To ascertain damages.....	46	123	
In special assessment.....	53	145	
Inhabitants of city competent.....	66	174	
JUSTICES OF THE PEACE.		LAWS.	
Jurisdiction of, etc.....	28	69	
		ORDINANCES.	
Council may direct all suits for violations of ordinances brought before, when.....	220	32	
L.			
LABOR.		LAWS.	
Of prisoners within or without city prison.....	86	267	
On streets.....	81	258a	
Prisoners may be required to.....	218	28	
Prisoners refusing to.....	219	29	
LAND.		LAWS.	
City may acquire and hold, for corporate purposes.....	6	10	
Power to levy taxes on.....	19	3cl	
Compensation to be made when, taken for local improve- ment....	47	124	
Commissioners to assess benefits to, by local improvement	50	139	
Effect of judgment against.....	53	148	
Proceedings to sell, for special assessments.....	55	153	

LAND—Continued.	Page.	Section.
Application for judgment .....	55	154
City may purchase, at sale for special tax .....	57	159
City may take and condemn, for water works .....	65	170
Assessment of special taxes against, for sidewalks .....	81	259
LARD.	LAWS.	
Power to regulate sale of .....	23	50
Power to regulate inspection of .....	23	53
LAWS.	LAWS.	
Prior laws to continue in force when not inconsistent .....	5	6
	ORDINANCE.	
Prior ordinances in force until altered .....	203	11
LIBRARY.		
Disturbance in, prohibited .....	221	1
Persons to leave on request .....	221	2
Loitering on stairway prohibited .....	222	3
Return of books to .....	222	4
Fines for failure to return books to .....	222	4
Mutilating books in .....	222	5
Persons not entitled to privileges of, to remain away .....	222	6
Taking property from, without right .....	222	7
LICENSES. ( <i>See also</i> Liquors.) LAWS.		
Power to fix the amount, terms and manner of issuing .....	22	41cl
License not to extend beyond municipal year .....	22	46cl
Moneys collected for, to be paid into city treasury .....	28	67cl
Not to issue for houses of ill-fame .....	74	217
	ORDINANCES.	
Required for the giving of entertainments .....	96	2
Amount of fees to be charged for shows, etc .....	96	3
To be signed by mayor .....	96	4
All licenses subject to ordinances in force .....	96	5
Not to be granted for entertainments in places where liquor is sold .....	96	6
Not required for home entertainments .....	96	2
Owner or lessee of theatre to obtain .....	97	7
Required for shooting gallery—rate of .....	99	15
Required for lung tester, galvanic battery, etc .....	99	19
Auctioneers must take out .....	107	1
Auctioneer's, rate of .....	107	2
How obtained by auctioneer .....	107	3
May be revoked, when .....	108	5
Butchers must have .....	110	1
City weighers to take out .....	120	2
Itinerant merchant must procure .....	155	1

## LICENSES—Continued.

Page. Section.

Rate of license fee for itinerant merchant.....	156	3
Itinerant merchant's, must be posted.....	157	4
Rebate of, may be allowed itinerant merchant.....	157	6
Junk dealer must procure.....	158	2
Terms on which junk license granted.....	158	3
Expiration of junk dealer's .....	159	4
Violating ordinance to forfeit junk dealer's.....	160	11
Mayor to receive application.....	161	1
How application is to be made.....	161	2
Term of license—how signed.....	161	3
License subject to ordinance.....	161	4
Revocation of license.....	162	4
Not assignable.....	162	5
All, to be registered by clerk.....	162	6
Form of license.....	162	7
Marshal to enforce all ordinances relating to.....	163	8
Must have, to sell intoxicating liquor.....	163	1
Committee on, to be appointed by mayor.....	164	2
Mayor and council to grant liquor.....	164	3
Application for, to sell intoxicants.....	165	5
Liquor, to be issued by city clerk.....	166	7
Liquor seller's, may be revoked, when.....	168	13
License not to be granted dramshop keeper, when.....	169	18
Dramshop, not transferable.....	170	22
Dramshop, to be kept posted.....	171	23
Milkmen must obtain.....	172	1
Rate of milkman's.....	172	2
Penalty for selling milk without.....	172	3
Pawnbrokers must obtain.....	206	1
Mayor to grant, to pawnbroker.....	206	2
Peddler must obtain.....	209	2
Rate of peddler's.....	209	3
Produce may be sold without.....	210	4
Required to carry on roller skating rink.....	225	1
Amount of license for roller skating rink.....	225	2
Clerk to issue, for skating rink.....	226	4
Mayor may revoke, for roller skating rink.....	226	5
Certain vehicles must be licensed.....	264	1
Rate of, for vehicles.....	264	2
Number of license placed on vehicle.....	265	3
Persons entitled to, for vehicles.....	265	4
Driver of licensed vehicle to keep copy of certain ordinance	267	12

## LIENS.

## LAWS.

Special assessment a lien from date of Judgment.....	53	149
--	----	-----

<b>LIENS—Continued.</b>	Page.	Section.
Special assessment a lien until paid.....	58	165
Water tax a continuing lien .....	66	171
Special tax for sidewalks.....	81	259
<b>LIGHTS.</b>		
<b>LAWS.</b>		
Power to regulate use of, in stables, shops, etc.....	24	65cl
<b>ORDINANCES.</b>		
Regulating, in barns, etc.....	142	17
Use of, in shops .....	142	16
<b>LIQUORS AND LIQUOR DEALERS.</b>		
<b>LAWS.</b>		
Power to license and regulate sale of.....	22	46cl
Power to prohibit sale of.....	23	48cl
General law to be complied with.....	23	46cl
<b>ORDINANCES.</b>		
Druggists may sell, on permit.....	124	1
Restrictions on sales.....	125	2
Written permit required to authorize druggists to sell.....	126	7
Intoxicating liquors not to be sold except licensed.....	163	1
Committee on license to be appointed.....	164	2
Duties of committee on license.....	164	2
Mayor and council to grant license.....	164	3
Application for license to be made to mayor .....	164	3
Rate of license.....	164	3
No person licensed to sell, shall keep eating house therein	164	3
Applicant for license must give bond.....	165	4
Bond must be given to the city also.....	165	4
Security on bond may be required to swear to his pecuniary ability .....	165	4
Application for license must be in writing.....	165	5
Application must be presented to council.....	165	6
Certain kind of persons disqualified to sell.....	166	6
License to be issued by clerk.....	166	7
No person refused a license shall be interested in sale of liquors.....	166	8
License only granted to person making application.....	166	9
Selling, on Sunday prohibited.....	167	10
Police to enforce ordinance.....	167	11
Lewd women not allowed in dramshop.....	167	12
Penalty for permitting lewd women in dramshop.....	167	12
License may be revoked, when.....	168	13
Dramshop to be closed between certain hours.....	168	14
Keeper of dramshop must keep orderly house.....	168	15
Drinking, to excess forbidden.....	168	16
Gaming forbidden in dramshop.....	168	16

LIQUORS AND LIQUOR DEALERS—Continued.		Page.	Section..
Officers must report convictions to mayor.....	169	17	
License not to be granted in certain cases.....	169	18	
No minor to be employed in dramshop.....	170	19	
No sale to be made to intoxicated person.....	170	19	
Minor forbidden in saloons.....	170	20	
Selling, to habitual drunkard forbidden.....	170	21	
License to sell, not transferable.....	170	22	
License and ordinance to be posted.....	171	23	
Use of slides, dumb-waiters, etc., prohibited.....	171	24	
Shifts or devices forbidden.....	171	25	
Windows of dramshop kept so interior may be seen.....	171	26	
Signs indicating sale of, prohibited unless, etc.....	184	54	
Drinking in public a nuisance.....	184	55	
LIVERY STABLES.		LAWS.	
Power to regulate.....	25	82c	1
Power to license.....	26	91	
LOCOMOTIVES.		LAWS.	
Power to regulate speed of.....	20	21c	1
Not to sound whistle, except.....	223	3	
LOTTERIES.		LAWS.	
Power to suppress.....	22	45c	1
		ORDINANCES.	
Prohibited—punishment for keeping.....	178	20	
LUMBER.		LAWS.	
Power to regulate inspection of.....	23	54c	1
LUMBER YARDS.		LAWS.	
Power to license.....	26	91c	1
Power to regulate and prohibit, in fire limits.....	26	93c	1
		ORDINANCES.	
In fire limits a nuisance.....	146	31	
LUNG TESTERS, GALVANIC BATTERIES, ETC.		ORDINANCES.	
License required to exhibit.....	99	19	
Penalty for exhibiting, without license.....	99	19	
M.			
MANUFACTORIES.		LAWS.	
Power to regulate.....	24	63c	1
MAPS AND PLATS. (See Additions—Plats.)		LAWS.	
To be approved by city council.....	66	173	



MAPS AND PLATS—Continued.	Page.	Section.
Map of annexed territory to be filed with recorder of deeds	69	195
When territory is annexed, map to be filed,.....	72	203
MANURE.		
Accumulations of, a nuisance.....	189	2
MARKETS.	LAWS.	
Power to establish.....	23	49cl
MARSHAL, CITY. ( <i>See</i> City Marshal.)		
	LAWS.	
Power to provide for election or appointment of.....	29	73
Duties and powers of.....	29	73
MATERIALS.	ORDINANCES.	
City engineer to inspect all.....	116	6
Account of, to be kept by engineer.....	116	6
MAYOR.	LAWS.	
When to submit question of city incorporation.....	3	1
To give notice of such election.....	4	2
Qualifications of.....	8	14
Term of office.....	8	14
Vacancy, how filled .....	8	15-16
Council may elect mayor pro tem., when.....	8	17
When office may become vacant.....	8	18
Shall preside at meetings of city council.....	8	19
Shall give casting vote in case of a tie.....	8	19
May remove any officer appointed by him.....	9	20
Must report reasons for removal to council.....	9	20
Has power to keep the peace.....	9	21
May release prisoners.....	9	22
General duties of.....	9	23
Has power to examine records, etc.....	9	24
Messages to council.....	9	25
May call out militia.....	9	26
May be removed from office, when.....	10	27
May appoint persons to revise ordinances.....	10	28
May call special meeting of council.....	14	45
May veto ordinance or item therein .....	14	46
When to be elected.....	15	49
Shall be elected.....	29	72
Appoints all appointive officers.....	30	74
Oath and bond of.....	30	75
Qualification of.....	31	77
Not to hold other office.....	32	80
Shall be conservator of the peace.....	32	83
Compensation of.....	33	84

MAYOR—Continued.	Page.	Section.
Power to make arrests.....	32	83
May administer oaths or affirmations.....	33	87
To approve contracts for public improvements.....	58	164
To have map made when territory is annexed to city.....	72	203
Approval and veto of ordinances.....	14	46
ORDINANCES.		
To sign certificate of approval of maps, plats, etc.....	94	5
Shall decide the class and license fee for shows, etc.....	96	4
To grant license of auctioneers.....	107	3
To approve bond of auctioneers.....	107	2
May revoke license of auctioneers.....	108	5
To pass on auctioneer's application for license.....	107	3
To appoint city collector.....	113	1
To appoint city engineer annually.....	115	1
May appoint city weighers.....	119	1
To appoint corporation counsel.....	122	2
Must sign druggist's permit.....	126	7
May revoke druggist's permit.....	126	9
Salary of.....	134	1
To examine theatres and enforce fire ordinance.....	145	29
Member of fire department.....	146	33
To appoint health commissioner.....	149	2
May appoint assistant commissioners of health.....	150	4
To sign license of itinerant merchants.....	157	3
May inspect Junk dealers' books.....	159	6
All applications for license to be made to and granted by..	161	1
To appoint a committee on license.....	164	2
Mayor and council to grant dramshop license.....	164	3
To present application for dramshop license to council....	166	6
To refuse to grant license in certain cases.....	169	18
To summon citizens to abate dangerous building.....	195	23
Shall make out notice to owner of dilapidated building, etc.	194	19
Shall appoint certain officers.....	197	1
Bond of.....	198	3
Shall commission all city officers.....	199	5
May grant license to pawnbrokers.....	206	2
May inspect pawnbroker's record book.....	207	3
May grant permit to peddle in cases of charity.....	210	6
Member of police department.....	211	1
To appoint policemen.....	211	2
Duties of, relating to police department.....	212	4
To designate some policeman as marshal, when.....	213	8
To appoint night captain and turnkey.....	213	10
May appoint special police.....	214	12
May appoint temporary policemen.....	214	13

MAYOR—Continued.	Page.	Section.
To notify railroad company of defective crossing.....	224	6
May revoke roller skating rink license.....	226	5
May call special meeting of council.....	226	1
Must appoint standing committees.....	227	2
To preserve order and decorum in council.....	229	15
Official acts to be witnessed by city seal.....	232	2
May grant license to second-hand dealers.....	233	3
May revoke second-hand dealer's license.....	233	4
May inspect book of second-hand dealer.....	234	6
Not to grant permission to dig in paved street till bond has been filed.....	262	31
To approve bond of licensed vehicle owner.....	265	5
MAYOR PRO TEM.	LAWS.	
Council may elect during absence of mayor.....	8	17
	ORDINANCE.	
Power of.....	202	6
MEAT. ( <i>See Butchers.</i> )	LAWS.	
Power to regulate sale of.....	23	50cl
Power to provide for inspection of.....	23	53cl
MEETINGS.	LAWS.	
Mayor to preside at council.....	8	19
Council may prescribe time and place of.....	13	37
By whom special meetings of council called.....	14	17
	ORDINANCES.	
Regular, of city council.....	226	1
Special, of city council.....	226	1
Notice of special, to be given by marshal.....	226	1
MENDICANTS. ( <i>See Vagrants.</i> )	LAWS.	
Power to restrain and punish.....	25	74
	ORDINANCES.	
Punishment of.....	184	58
MILITIA.	LAWS.	
May be called out by mayor .....	9	26
MILK MEN.	ORDINANCES.	
Must be licensed .....	172	1
Rate of license.....	172	2
Must have owner's name on wagon .....	172	3
Drivers subject to penalty if name is not on wagon.....	172	4
Penalty for selling adulterated milk .....	173	5
Penalty for selling milk of diseased cow .....	173	5

MINORS.	LAWS.	Page.	Section.
Power to forbid and punish the sale of liquor to.....		23	48cl
Power to forbid second-hand or junk dealers purchasing from.....		27	95cl
	ORDINANCES.		
Not allowed at variety shows where liquor is sold. ....		97	10
Not allowed in billiard room where liquors are sold.....		110	4
Not allowed to loiter around billiard room, except.....		110	5
Not allowed to sell to junk dealers.....		160	7
Not to be employed in saloon.....		170	19
Not allowed to loiter in saloon.....		170	20
Must keep off cars.....		185	61
Climbing on street cars.....		186	63
Pawnbrokers not to purchase from.....		207	4
MISDEMEANORS.	ORDINANCES.		
Unlawful assemblies.....		174	1
Assault, fighting or affrays.....		174	2
Disorderly conduct.....		175	3
Permitting unlawful assemblage.....		175	4
Disturbing peace of city or family.....		175	5
Disturbing a congregation.....		175	6
Giving false alarm of fire.....		175	7
Drunkenness in public place.....		175	8
Indecent exposure of person.....		175	9
Selling obscene book.....		176	10
Having obscene book in possession.....		176	11
Obscene writing or figure.....		176	12
Indecent exhibition of animals.....		176	13
Gambling.....		176	14
Inmate of gambling house.....		176	15
Keeping gaming house.....		177	16
Leasing premises for gaming.....		177	17
Police to report to mayor where gaming is carried on.....		177	18
Gaming instruments to be destroyed.....		178	19
Lotteries prohibited.....		178	20
Keeping house of ill-fame.....		178	21
Being an inmate of house of ill-fame.....		178	22
Carrying concealed weapons.....		179	23
Keeping disorderly house.....		179	24
Disturbing a funeral.....		179	25
Keeping place of amusement open on Sunday.....		179	26
Amusements on Sunday.....		179	27
Keeping place of business open on Sunday.....		179	28
Cruelty to animals.....		179	29
Fast driving—drunken driver.....		180	30
Leaving animals unfastened.....		180	31

MISDEMEANORS—Continued.	Page.	Section.
Scaring horses .....	180	32
Vehicles must pass to right.....	180	33
Weighing gunpowder .....	180	34
Drawing kerosene by gaslight.....	180	34
Selling poison without labeling it.....	180	35
Burglars' tools in possession.....	181	36
Throwing orange or banana peel on walks.....	181	37
Firing canon, guns or fire-crackers.....	181	38
Boys making disturbance.....	181	39
Dangerous sports, flying kites, etc.....	181	40
Throwing stones, slings, etc.....	182	41
Climbing on bridges, fences, etc.....	182	42
Injury to pavement—obstructing work.....	182	43
Injury to bridges, etc.....	182	44
Malicious mischief .....	182	44
Injuring street lamps, telegraph, etc., poles.....	182	45
Lighting or extinguishing street lamps.....	183	46
Climbing on lamp posts .....	183	47
Hitching horses to trees .....	183	48
Trespassing or carrying away fruit .....	183	49
Trespass on private premises .....	183	50
Posting bills without consent of owner.....	183	51
Injuring gas service boxes or water pipes.....	183	52
Playing ball on streets.....	183	53
Prohibiting signs indicating sale of liquor, when.....	184	54
Drinking in public, a nuisance .....	184	55
Vehicles standing on streets.....	184	56
Meddling with fire hydrants .....	184	57
Vagrants.....	184	58
Fast driving over bridges .....	185	59
Idling about depots .....	185	60
Minors climbing on cars.....	185	61
Throwing stones at street cars.....	186	62
Minors climbing on street cars .....	186	63
Refusing to pay car fare on street cars.....	186	64
Disorderly conduct on street cars.....	186	65
Obstructing the operation of street cars.....	186	66
Billboards a nuisance, when .....	187	67
Attempt to commit an offense .....	187	68
Accessories to an offense .....	187	69
Prostitutes loitering on streets.....	187	70
Ringin school bells between certain hours.....	187	71
Boys loitering about, churches, theatres, stores.....	188	72
Driving unaltered horses or mules through streets.....	188	73
Using abusive language in parks .....	205	8

MISDEMEANORS—Continued.	Page.	Section.
Turning animals into parks.....	204	3
Injuring trees, grass, buildings, etc., in parks.....	204	5
MONEY CHANGERS.		
LAWS.		
Power to license .....	26	91cl
N.		
NEWSPAPERS.		
LAWS.		
Publication of election notices in.....	17	56
Publication of ordinances in .....	27	64
ORDINANCES.		
Notice to non-resident to abate nuisance .....	194	19
NOISES AND DISTURBANCES.		
LAWS.		
Power to prevent and suppress.....	25	72cl
ORDINANCE.		
Disturbing peace of family by.....	175	5
NON-RESIDENT.		
LAWS.		
Condemnation of property of.....	46	121
ORDINANCES.		
Owner of impounded animals—proceedings against.....	103	11
Notice to, of proceeding to condemn building in fire limits	140	9
Notice to, to abate a nuisance.....	191	18
NOTICES.		
LAWS.		
Of election for change of organization.....	4	2
Of election for organizing a city.....	4	5
After change in organization.....	5	7
Of general election.....	17	56
To be given elected or appointed officer.....	18	59
Of special election .....	18	61
Of special assessments.....	51	141
For collection of special assessments.....	54	151
Of proceedings for annexing territory to city.....	71	198
Judicial notice—courts to take .....	72	205
ORDINANCES.		
Form of for impounded animals.....	102	9
Must be given to non-resident owner of animal.....	103	11
Pound keepers.....	104	13
Clerk to give, of election.....	127	3
Clerk to give to persons elected to office .....	132	19
To abate wooden building in fire limits.....	139	7
For condemnation of dilapidated building in fire limits....	139	9
To be served by fire wardens ....	144	26

NOTICES—Continued.	Page.	Section.
To enforce construction of theatre exits, etc.....	145	29
Pestilence, to be posted on premises .....	152	7
To abate pig-sty or stable nuisance.....	189	1
To remove manure heap.....	190	2
Green or salt hides—notice to abate required .....	191	6
To abate nuisance of old or dilapidated building.....	194	19
Penalty for not obeying, to abate nuisance.....	195	21
Notice to abate any nuisance or thing likely to become such	196	25
To railroad company to repair, culvert, bridge, etc.....	223	5
Must be left with engineer of intention to open trench in street, etc.....	242	12
To owner to remove obstruction from street or alley.....	255	2

## NUISANCES.

## LAWS.

Power to define and abate.....	25	75cl
Power to impose fine for creating or continuing...	25	75cl

## ORDINANCES.

Unmuzzled dogs at large, a .....	124	2
Bitch at large while in heat, a.....	124	3
Dangerous dogs at large, a .....	124	4
Drinking intoxicating liquor in public, a.....	184	55
Bill boards are, in certain cases .....	187	67
Pens and stables allowed to become foul, are .....	189	1
Accumulation of manure is .....	189	2
Suffering premises to become foul.....	190	3
Throwing foul liquids on premises is a.....	190	4
Depositing offensive matter in river, a.....	190	5
Green or salt hides are a, in certain cases.....	191	6
Dead animals are.....	191	7
Trap doors on walk left open, are a .....	191	9
Removing dead animal in offensive way, a.....	191	8
Removal of offensive matter .....	191	10
Carts and vehicles carrying offensive matter.....	192	11
Slaughter houses within one mile of city.....	192	12
Operating slaughter houses.....	192	13
Permit for slaughter house must be had .....	192	14
Time for which permit for slaughter house may issue.....	193	15
Stagnant water, a.....	193	15
Dilapidated building, a.....	193	17
Abating dilapidated building, nuisance .....	194	18
Notice to owner—building to be destroyed .....	194	19
Report of cost of abating—suit against owner.....	195	20
Penalty for not obeying, owner.....	195	21
Building in danger of falling .....	195	22
Duty of mayor concerning dangerous building .....	195	23
Dangerous scaffolds.....	196	24



NUISANCES—Continued.		Page.	Section.
Duty of police—notice—cost of abating, etc.....	196	25	
Where author of, is unknown, proceeding in.....	196	26	
Washing buggies on street.....	197	27	
Stable not to be erected within twenty feet of street.....	197	28	
Sidewalks out of line, a .....	248	7	
Sidewalks not of brick or stone, a.....	248	8	
Creaking signs, a.....	252	19	
Gates opening over sidewalks, a.....	253	24	
Crowds obstructing sidewalks, a.....	253	26	
Obstructions on street, a.....	256	3	
NUMBERING HOUSES. ( <i>See</i> House Numbering.)			

## O.

OATHS.		LAWS.	
Required of all city officers .....	30	75	
To be filed in city clerk's office.....	30	75	
May be administered by mayor or clerk .....	33	87	
Of commissioners in special assessments.....	50	138	
ORDINANCES.			
Of city engineer.....	115	3	
Of chainmen.....	117	10	
Of corporation counsel.....	122	3	
Of judges and clerks of election.....	128	7	
Required of itinerant merchant.....	157	5	
Of city officers .....	198	2	
Of police officers.....	212	3	
OBSCENE ACT.			
Punishment for, in public park.....	205	10	
OBSCENE PUBLICATIONS.		LAWS.	
Power to prohibit sale of.....	22	45cl	
ORDINANCES.			
Punishment for selling or exhibiting.....	176	10	
Punishment for having, in possession....	176	11	
Punishment for writing, etc., obscene words or pictures...	176	12	
OBSTRUCTIONS.			
Cars obstructing streets.....	223	2	
In sewers to be removed.....	246	24	
Delivering or receiving goods on sidewalk.....	252	20	
On sidewalks.....	253	25	
Crowds obstructing sidewalks.....	253	26	
Removing, from sidewalks.....	253	27	
In streets, forbidden .....	255	1	

OBSTRUCTIONS—Continued.	Page.	Section.
Owner to remove, on notice.....	255	2
Engineer to remove, from street.....	256	3
Building material in street.....	256	4
Red lights to be put on piles of building material.....	256	5
Merchandise or fuel on streets.....	257	8
Teams obstructing street.....	257	9
Persons placing, liable for damages..	257	10
OFFENDERS. ( <i>See</i> Misdemeanors.)		
LAWS.		
Who may arrest.....	32	83
May be detained over night or Sunday.....	32	83
OFFAL. ( <i>See</i> Garbage.)		
ORDINANCES.		
Allowing to accumulate on premises, a nuisance.....	190	4
Depositing, in river, a nuisance.....	190	5
In slaughter houses, a nuisance .....	192	13
OFFENSES. ( <i>See</i> Misdemeanors.)		
Prosecutor to elect for which, he will prosecute.....	203	9
OFFICERS.		
LAWS.		
Election of, after change of organization.....	5	7
Term of, first elected after change.....	6	9
How removed and restored.....	9	20
Misconduct of mayor or other officer.....	10	27
Power of council concerning.....	24	71cl
What officers to be elected.....	29	72
Council may provide for additional.....	29	73
Not entitled to salary when office discontinued.....	29	73
Duties of, may be prescribed by council.....	30	74
How appointed.....	30	74
Oath and bond of.....	30	75
How commissioned.....	31	76
To deliver property to successor.....	31	76
Qualification of.....	31	77
Not to be interested in any contract.....	31	78
Bribery of—penalty.....	31	79
Power of certain officers to make arrests.....	32	83
Compensation of.....	33	86
To report fees received.....	33	86
Contracting liabilities by.....	35	91
May be authorized to attend tax sales.....	57	159
Salaries of, when fixed, not to be changed.....	76	244
ORDINANCES.		
Appointive offices created.....	197	1
Oath of.....	198	2

OFFICERS—Continued.		Page.	Section.
Official bond of.....	198	3	
Sureties on bond—how prepared—new bonds.....	198	4	
Commissions of.....	199	5	
To pay over all money to city treasurer.....	199	6	
Salaries, when payable.....	199	7	
Records of city open to inspection.....	199	8	
Absent, mayor to assign duties of.....	199	9	
Removal or absence from city of, to vacate office.....	200	10	
Liability of, for damages.....	200	11	
Duties of city attorney.....	200	12	
Duties of city clerk.....	200	13	
As witness, when arrest has been made.....	218	25	
OFFICES.		LAWS.	
Council may create and discontinue.....	29	73	
Term of, limited.....	30	74	
		ORDINANCE.	
Certain, created.....	197	1	
OMNIBUS DRIVERS.			
Power to license, tax and regulate.....	22	42cl	
OPENING STREETS.		LAWS.	
Proceedings for.....	45	118	
Power to lay-out and open.....	19	7cl	
ORDINANCES.		LAWS.	
Prior ones in force after change of organization.....	6	11	
Mayor to enforce their execution.....	9	23	
Revision of, after change of organization.....	10	28	
Yeas and nays to be taken on passage of.....	13	41	
Require vote of majority of aldermen elected.....	13	41	
Concerning health and quarantine.....	13	44	
To be deposited in office of city clerk.....	14	46	
Take effect if not signed by mayor.....	14	46	
How passed over mayor's veto.....	14	47	
General power of council to pass.....	27	96cl	
Penalty for violating, not to exceed \$200.....	27	96cl	
Style of.....	27	63	
Publication of, when to take effect.....	27	64	
Proof of.....	27	65	
Suits for violating, how brought.....	27	66	
Actions for violating, process, etc.....	28	68	
Requires two-thirds vote of council to create office.....	29	73	
To be recorded by clerk.....	32	82	
Evidence of passage and publication of.....	32	82	
Making annual appropriations.....	34	89	

ORDINANCES—Continued.	Page.	Section.
Levying tax.....	41	111
For making local improvement .....	45	117
When property is to be taken for improvement.....	45	118
For improvement by special assessment.....	49	133
For building or removing sidewalk.....	49	134
Arrest and imprisonment for violating.....	85	267
For annexation of territory to city.....	69	195
For disconnecting territory from city.....	72	205a
Record of, certified by clerk.....	73	205b
Justices have jurisdiction for violation of.....	28	69
Salaries of officers may be fixed in annual appropriation...	76	244
What sidewalk ordinance may provide.....	81	259

## ORDINANCES.

Repealed, in force until when.....	201	1
Conflicting ordinances .....	201	2
"Court," as used in, defined.....	202	3
Effect of repealing a repealing.....	202	4
Construction of words as used in.....	202	5
Power of mayor pro tem.....	202	6
Rules of construction of.....	202	7
Fines, etc., not released by repeal of.....	202	8
Two offenses, prosecutor to elect.....	203	9
Enrollment of, duties of clerk.....	203	10
Old ordinances in force until.....	203	11
Dilapidated building to be abated by.....	194	18
Violations of, by pawnbroker's clerk.....	208	8
Cannot pass, except by majority vote.....	231	19cl

## P.

PACKING HOUSES. (*See* Slaughter Houses.)

## PARKS.

Committee on public grounds to have charge of.....	204	1
Penalty for leaving, except at gateway .....	204	2
Climbing on fences of.....	204	2
Turning animals into, prohibited.....	204	3
Firearms and fireworks forbidden in.....	204	4
Injury to trees or grass in.....	204	5
Selling, hawking or peddling in.....	205	6
Bathing or fishing in, prohibited.....	205	7
Abusive language in .....	205	8
Gaming in, prohibited.....	205	9
Intoxicated persons not allowed in.....	205	10
Indecent or unlawful acts in. ....	205	10

PARKS—Continued.		Page.	Section.
Fires in, prohibited, except.....	205	11	
Driving on turf.....	205	12	
Hitching horses to trees in.....	205	13	
Throwing stones or rubbish in.....	206	14	
Posting bills in, prohibited.....	206	15	
PARTITION FENCES AND PARTY WALLS.			
LAWS.			
Power to regulate.....	23	60cl	
PAWNBROKERS.			
LAWS.			
Power to license and regulate.....	22	41cl	
ORDINANCES.			
Defined—license required—penalty.....	206	1	
Mayor may grant license—rate—bond.....	206	2	
Book of, open to inspection.....	207	3	
Property of minor—stolen property.....	207	4	
Time of receiving property.....	207	5	
Other business forbidden by.....	208	6	
Inspection of premises and property of.....	208	7	
Violation of ordinances by clerk.....	208	8	
PEDDLERS.			
LAWS.			
Power to license and regulate.....	21	41cl	
ORDINANCES.			
Not allowed in parks.....	205	6	
Definition of.....	209	1	
Peddling without license.....	209	2	
Rate of license fees.....	209	3	
May sell produce, etc., without license.....	210	4	
Not to enter house without permission.....	211	5	
Mayor, in cases of charity, may remit license fee.....	211	6	
PENS AND STABLES.			
Allowed to become foul, a nuisance.....	189	1	
Erecting, within twenty feet of street, a nuisance.....	197	28	
PENALTIES.			
LAWS.			
Misconduct of mayor or other officer.....	10	27	
Ordinance imposing, to be published.....	27	64	
Suits for recovering.....	27	66	
Penalty for bribery.....	31	79	
On foreign insurance companies.....	40	110	
On collector for failing to give notice of special assessment.....	54	152	
For returning paid tax as delinquent.....	56	156	
How action brought to recover.....	85	267	
ORDINANCES.			
For recording plat not approved by city council.....	94	3	

PENALTIES—Continued.	Page.	Section.
For selling lots in unapproved plat or addition.....	94	4
For allowing chairs, etc., in aisles of theatres, etc.....	97	8
For loitering in hallways, etc., of theatres, etc.....	97	9
For allowing minors in variety shows.....	97	10
For exhibiting indecent play.....	98	11
For failure to maintain order at shows, etc.....	98	12
For disorderly conduct at shows, etc.....	98	13
For circus parade without permit from mayor.....	98	14
For keeping shooting gallery without license .....	99	15
For target shooting in uninclosed place.....	99	17
For exhibiting lung tester, etc., without license.....	99	19
For allowing stock to run at large.....	100	2
For breaking pound or hindering impounding.....	105	16
For the wrongful taking up of animals.....	105	17
For driving loose animals through streets.....	106	23
For selling goods at auction without license.....	107	2
For substituting one article for another by auctioneer.....	108	7
General, applicable to auctioneers.....	108	8
For running billiard tables, etc., without license.....	109	1
For keeping open billiard room on Sunday, etc.....	109	3
For allowing minors to loiter at billiard room .....	110	4-5
For butchering without license.....	110	1
For failure of butcher to keep book required.....	111	2
For slaughtering diseased animal.....	111	3
For selling the meat of diseased animal.....	111	4
For selling unwholesome provisions.....	112	5
For displaying fruit, etc., on benches.....	112	6
For keeping scales for hire, unless licensed.....	120	3
For altering weigher's certificate of weight.....	121	11
For allowing unmuzzled dog at large.....	124	2
For permitting bitch in heat to run at large.....	124	3
For allowing dangerous dog at large .....	124	4
For violations of druggist ordinance.....	126	9
For failure to make returns of election .....	131	16
For disorderly conduct at election .....	132	21
For keeping dramshop open on election day.....	133	22
For building in fire limits contrary to ordinance.....	137	2
For failure to remove condemned building from fire limits	140	10
For violating fire ordinance.....	140	11
For erecting stoves, chimneys, etc., contrary to fire ordi- nance .....	141	12
For other violations of fire ordinance.....	142	15
For permitting shavings, etc., in fire limits.....	142	16
Lights in barns unsecured.....	142	17
For carrying unsecured fire.....	142	18

PENALTIES—Continued.	Page.	Section.
For depositing ashes insecurely.....	143	19
For burning straw, or building bonfires.....	143	20
For boiling pitch.....	143	21
Out-door fires.....	143	22
For improper burning out of chimneys.....	143	23
For scattering shavings, etc.....	144	24
For filling spittoons with shavings.....	144	25
For a failure to provide exits at theatres.....	145	27
For a failure to provide fire escapes.....	146	29
For storing powder .....	146	30
For failing to obey orders of fire marshal.....	148	36
For breaking fire apparatus.....	148	37
For driving vehicle over fire hose .....	148	38
For running cars over fire hose .....	148	39
For throwing water on persons .....	148	40
For obstructing street at fire with vehicles.....	149	42
For failing to post notice of pestilence.....	152	7
For failure to report pestilence .....	152	8
For failure to change apparel after visiting smallpox case.	152	9
For spreading smallpox.....	153	10
For bringing infected person or clothing into city.....	153	11
For burying dead body without permit.....	153	14
For failing to obtain scavenger's permit .....	154	15
For failing to obey orders of health commissioner.....	154	19
For carrying business of itinerant merchant without license	155	1
For violating ordinance relating to itinerant merchant.....	158	8
For dealing in junk without license.....	158	2
For engaging in liquor business when license has been refused.....	166	8
For selling liquor on Sunday.....	167	10
For permitting lewd women to loiter or drink in saloon...	167	12
For keeping disorderly dramshop.....	168	15
For permitting gaming in dramshop.....	168	16
For permitting minor to loiter in saloon.....	170	19
For minor loitering in saloon.....	170	20
For using or having slide or dumb-waiter in saloon.....	171	24
For not keeping windows of dramshop so interior can be seen .....	171	26
For selling milk from wagon without license.....	172	1
For selling adulterated milk.....	173	5
For several misdemeanors, <i>see</i> chapter XXXIII.....	174	
For permitting pen or stable to become foul.....	189	1
For refusing to remove manure heap.....	189	2
For permitting premises to become foul.....	190	3
For throwing foul liquid or substance on premises.....	190	4



PENALTIES—Continued.	Page.	Section.
For depositing offensive matter in river.....	190	5
Green and salt hides, when a nuisance.....	191	6
For permitting dead animal to become a nuisance.....	191	7-8
For leaving open door, etc., in sidewalk, etc.....	191	9
For not disinfecting night-soil before removing.....	191	10
For not properly carrying off scavenger matter.....	192	11
For carrying on slaughter house without permit.....	192	12
For operating slaughter house in offensive way.....	192	13
For not removing stagnant water.....	193	16
For not obeying notice to remove dilapidated house.....	195	21
For washing buggy, etc., on streets.....	197	27
For erecting stable within twenty feet of street.....	197	28
When two or more, provided for one offense.....	203	9
For leaving park except at gateway.....	204	2
For turning animals into parks.....	204	3
For carrying or using firearms in park.....	204	4
For injuring grass, trees, etc., in parks.....	205	5
For peddling in parks.....	205	6
For bathing, etc., in parks.....	205	7
For using abusive language in parks.....	205	8
For gaming in parks.....	205	9
For intoxication or indecent act in parks.....	205	10
For lighting fires in parks.....	205	11
For driving carriage on grass or hitching to trees in park..	205	12
For throwing stones or rubbish in parks.....	206	13
For posting bills in parks.....	206	14
For engaging in pawnbroker's business without license.....	206	1
For peddling without license.....	209	2
For peddler entering house without permission .....	210	5
For falsely representing to be an officer.....	220	33
For creating disturbance at library.....	221	1
For refusing to leave library on request.....	221	2
For loitering on library stairway.....	222	3
For not returning books to library.....	222	4
For mutilating books in library.....	222	5
For persisting in going to library when requested not to...	222	6
For taking property from library without permission.....	222	7
For failure of railroad to repair culvert, etc.....	223	5
For railroad violating ordinance.....	225	9
For running roller skating rink without a license.....	225	3
For engaging in business as second-hand dealer without license.....	233	2
For failure of second-hand dealer to keep book of purchases	233	5
For constructing drain or sewer contrary to orders of engineer.....	240	6

## PENALTIES—Continued.

Page. Section.

For making or using house sewer connection, except.....	243	13
For uncovering or tampering with flush tanks.....	244	14
For connecting with sewer for storm water or garbage.....	244	15
For excavating around sewer without permit.....	244	16
For refusing engineer admittance for inspection.....	244	18
For not providing fixtures with water supply.....	245	19
For violating any part of sewer ordinance.....	245	21
For not protecting area-ways under walk.....	250	13
For not covering coal holes in sidewalks.....	250	14
For erecting hitching racks in certain streets.....	250	15
For not properly adjusting awnings over walks.....	251	16
For using walks for merchandise or signs, etc.....	251	17
For not securely fastening signs.....	252	18
For not remedying creaking sign after notice.....	252	19
For obstructing sidewalk with merchandise.....	252	20
For driving animals on walks.....	252	21
For hitching teams so as to obstruct sidewalk.....	253	23
For allowing gate to swing over sidewalk.....	253	24
For obstructing sidewalks.....	253	25-26
For obstructing street .....	255	3
For resisting engineer in removing obstructions.....	256	3
For obstructing street with building material.....	256	4
For failure to put red lights on building materials.....	256	5
For failure to put lights at excavations.....	256	6
For leaving any cellar door, etc., in street open at night....	257	7
For leaving merchandise or fuel in streets.....	257	8
For obstructing street by teams .....	257	9
For rebuilding or repairing building in street.....	258	11
For removing building through streets.....	258	12
For digging in streets.....	258	13
For failing to guard excavations adjoining street.....	258	14
For excavating in or tearing up street.....	258	15
For removing grade or corner stake.....	259	16
For removing or selling earth from street.....	259	17
For throwing ashes or rubbish in streets.....	259	18
For putting fire on street crossings.....	259	19
For throwing paper or rubbish in streets.....	260	20
For stopping team on crossing.....	260	21
For feeding or huckstering on square.....	260	22
For not numbering house.....	261	27
For throwing dirt, etc., on paved street.....	261	29
For molesting paved street without permit.....	262	31
For charging excessive rate by licensed vehicler.....	266	7
For boisterous conduct by cabman, etc.....	266	8

PENALTIES—Continued.		Page.	Section.
For false representation or extortion by driver of licensed vehicle.....	267	11	
For failing to keep part of ordinance by owner of licensed vehicle.....	267	12	
<b>PERMITS.</b>	<b>ORDINANCES.</b>		
Druggist must obtain, to sell intoxicants.....	126	7	
Druggist's permit may be revoked.....	126	8	
Not to permit sale on Sunday, except.....	125	4	
Must be obtained for building in fire limits.....	137	2	
Burial permit must be obtained.....	153	14	
Scavengers must obtain, from health commissioner.....	154	15	
Must be had for slaughter house, soap factory, etc.....	192	12	
Must be had from engineer to connect with sewers.....	241	9	
Engineer to grant, for sewer connections, when.....	242	10	
Must obtain, for vault or area under sidewalk.....	249	11	
Penalty for using sidewalk for area-way without permit.....	249	12	
Not to use street for building material without.....	256	4	
Not to move building through streets without.....	258	12	
Not to excavate in streets without.....	258	15	
Not to remove earth from streets without.....	259	17	
Not to molest paved street without.....	262	30	
No permit to dig open paved street until bond is given.....	262	31	
<b>PESTILENCE.</b> ( <i>See</i> Contagious Disease.)			
	<b>ORDINANCE.</b>		
Notice of, to be posted on house.....	152	7	
Physicians to report to health commissioner.....	152	8	
<b>PETROLEUM.</b>	<b>LAWS.</b>		
Power to regulate storage of.....	24	65cl	
	<b>ORDINANCE.</b>		
* Penalty for drawing by gas light.....	180	34	
<b>PIN ALLEYS.</b>	<b>LAWS.</b>		
Power to license, regulate, etc.....	22	41cl	
<b>PITCH.</b>	<b>LAWS.</b>		
Power to regulate storage of.....	24	65cl	
	<b>ORDINANCES.</b>		
Not to boil, except in secure building.....	143	21	
<b>PLATS.</b> ( <i>See</i> Additions—Maps.)			
	<b>LAWS.</b>		
Approval of by council.....	5	89	
	<b>ORDINANCES.</b>		
Streets must conform to established streets.....	93	1	
Plat must be submitted to council.....	93	2	
Not valid unless approved by council.....	94	2	

PLATS—Continued.	Page.	Section.
Penalty for recording, unless approved.....	94	3
Penalty for selling lots when plat not approved.....	94	4
To have certificate attached signed by mayor.....	94	5
City engineer to keep, showing lines of sewers.....	241	7
PLUMBERS.	ORDINANCES.	
Sewer connections to be made by licensed.....	241	8
Must be licensed by engineer to make sewer connections	244	17
PHYSICIANS.	ORDINANCES.	
Mayor to appoint a licensed, commissioner of health.....	149	2
Mayor may appoint two, assistant health commissioners...	150	4
To report contagious disease to commissioner of health...	152	8
Required to change wearing apparel in certain cases.....	152	9
PLANING MILLS.		
In fire limits a nuisance.....	146	31
PLEASURE DRIVEWAYS.	LAWS.	
City council may set apart streets for.....	88	1
May be laid out under special assessment act.....	89	2
Power to regulate and control .....	89	3
POISONS.	ORDINANCES.	
Punishment for selling without labeling .....	180	35
Person selling must register name of purchaser, etc.....	180	35
POLICE.	LAWS.	
Power to regulate and prescribe duties of .....	24	66cl
Conservators of the peace. ....	32	83
Power to make arrests and execute warrants.....	32	83
May go into any adjoining municipality and make arrests, &c .....	75	220
	ORDINANCES.	
Required to enforce ordinance relating to theatres.....	97	8
Shall take up stock unlawfully at large.....	101	5
Shall enforce liquor ordinance .....	167	11
To report convictions under liquor ordinance to mayor...	169	17
Required to notify mayor of places where gaming is car- ried on .....	177	18
Required to destroy gaming implements .....	178	19
To report all nuisances and abate the same.....	196	25
To be appointed annually .....	197	1
Must be commissioned .....	199	5
Liable to city for losses caused by negligence.....	200	11
May inspect pawnbrokers' books.....	207	3
Appointment of by mayor.....	211	2
Bond and oath of .....	212	3
Divided into day and night force.....	213	9

POLICE—Continued.		Page.	Section.
Record of, to be kept .....	213	11	
Special, term, compensation, etc.....	214	12	
Temporary, when appointed.....	214	13	
Duties of policemen.....	214	14	
Power to make arrests and serve warrants .....	215	15	
May swear out search warrants, when.....	215	16	
Neglect of duty by.....	215	17	
Causes of removal of.....	216	18	
Shall attend as witnesses when arrest is made.....	218	25	
May call to his aid persons— <i>posse comitatus</i> .....	221	37	
POLICE DEPARTMENT. ORDINANCES.			
Shall consist of.....	211	1	
Appointment of policemen .....	211	2	
Bond and oath of policemen.....	212	3	
Duties of mayor .....	212	4	
Duties of city marshal.....	212	5	
Marshal custodian of property.....	212	6	
Reports of city marshal.....	212	7	
Absence of marshal.....	213	8	
Day and night force—beats, etc.....	213	9	
Captain of night police, turnkey, etc.....	213	10	
Police record .....	213	11	
Special police.....	214	12	
Temporary policemen.....	214	13	
Duties of policemen.....	214	14	
Power to make arrests, serve warrants .....	215	15	
Search warrant .....	215	16	
Neglect of duty by policemen .....	215	17	
Causes of removal of policemen .....	216	18	
Trial of person arrested, continuance, bail.....	216	19	
Arrests at night.....	217	20	
Prisoner drunk when arrested .....	217	21	
Statement to be filed.....	217	22	
Arrests without warrant.....	217	23	
Bail .....	217	24	
Officers as witnesses ..	218	25	
Witness and jury fees.....	218	26	
Malicious suits—costs taxed to prosecutor.....	218	27	
Commitment—labor by prisoners.....	218	28	
Refusal of prisoner to labor .....	219	29	
Discharge of prisoner.....	219	30	
Report of labor performed.....	219	31	
Payment of fines into city treasury.....	219	32	
Report of police magistrate .....	219	32	

POLICE DEPARTMENT—Continued.		Page.	Section.
Falsely representing to be an officer .....	220	33	
Resisting an officer .....	220	34	
Rescuing prisoner.....	220	35	
Re-arrest of escaped prisoner.....	220	36	
Posse comitatus .....	221	37	
Uniforms of police .....	221	38	
POLICE DISTRICT. LAWS.			
What shall constitute.....	74	219	
Police may go into to suppress riots, &c.....	75	220	
POLICE MAGISTRATES. LAWS.			
Jurisdiction of in cases arising under ordinances.....	28	69	
ORDINANCES.			
To make quarterly reports .....	219	32	
Council may direct suits taken from, when .....	219	32	
PORTERS AND RUNNERS. LAWS.			
Power to license and regulate.....	22	42cl	
ORDINANCES.			
Marshal shall designate stands for, at depots, etc.....	266	9	
POSSE COMITATUS.			
Police may call to his aid persons over 18.....	221	37	
POSTING BILLS. ( <i>See</i> Bill Posting.)			
POULTRY. LAWS.			
Power to regulate sale of.....	23	50cl	
Power to regulate inspection of.....	23	53cl	
POUNDS. ( <i>See</i> Animals.) LAWS.			
Power to establish.....	25	80cl	
ORDINANCES.			
To be provided by council.....	100	3	
Animals may be released from, when.....	101	7	
Breaking pound and releasing animals.....	105	16	
Mayor and council may create additional.....	105	19	
POUNDKEEPER. ORDINANCES.			
Mayor to appoint—bond.....	100	3	
To take up animals unlawfully at large.....	101	4	
To feed and care for animals taken up.....	101	4	
Fees of, for sustenance and taking up.....	106	22	
Shall make complaint if animal not redeemed.....	102	8	
Proceedings when owner is known.....	102	9	
To give notice of sale.....	104	13	
To keep book—proceeds of sales.....	104	14	
To make report to council.....	105	18	

POWDER.	Page.	Section.
Not more than twenty-five pounds to be stored.....	146	30
Not to be sold by gaslight.....	180	34
POWERS.	LAWS.	
Of city officers after change of organization.....	4	3
Of cities organized under general law.....	6	10
Of mayor pro tem .....	8	17
General powers of city council.....	19	62
PRINTING.	LAWS.	
Power to provide for letting by contract.....	26	94cl
PRIVIES.	LAWS.	
Power to compel owners to clean.....	25	84cl
Power to regulate location of.....	25	84cl
	ORDINANCES.	
Foul, a nuisance.....	190	3
Matter in, to be disinfected before removing.....	191	10
Carts carrying contents of, to be tightly closed.....	192	11
PROCESSIONS.	ORDINANCES.	
Circus not to parade without permit.....	98	14
PROCESS.	LAWS.	
Suits for violating laws, how brought... ..	27	66
Summons first to be issued.....	28	68
Warrant may issue in first instance, when.....	28	68
Constable or sheriff may serve .....	28	70
Policemen may serve and execute.....	32	83
Summons in condemnation suit.....	46	121
Warrant may issue, when affidavit filed.....	85	267
	ORDINANCES.	
Police have power to serve.....	215	15
Police may swear out search warrant .....	215	16
Suits commenced by summons.....	217	22
When person arrested without warrant.....	217	23
PROSTITUTES. ( <i>See</i> Vagrants.)		
	LAWS.	
Power to restrain and punish.....	25	74cl
	ORDINANCES.	
Not allowed in dramshop.....	167	12
Punishment for being inmates of bawdy house.....	178	21
Loitering on streets prohibited.....	187	70
Not allowed to drink in or loiter around saloon.....	167	12
PROPERTY, PUBLIC AND PRIVATE.	LAWS.	
Vote required to sell.....	13	41



PROPERTY, PUBLIC AND PRIVATE—Continued.	Page.	Section.
Power of council to control.....	19	1cl
May sell real or personal, not necessary.....	87	1
Ordinance to be passed—contents.....	87	2
By whom conveyance made.....	88	3
ORDINANCES.		
Bills not to be posted on, without owner's consent.....	183	51
Taking, from public library.....	222	7
City marshal custodian of, of police department .....	212	6
Stolen, city marshal custodian of.....	212	6
Trespassing upon.....	183	49
Trespassing on private premises.....	183	50
PROVISIONS.		
LAWS.		
Power to regulate sale of.....	23	50cl
Power to regulate inspection of.....	23	53cl
ORDINANCES.		
Selling unwholesome provisions.....	112	5
Inspectors of.....	112	7
PUBLICATION.		
LAWS.		
Of ordinances in newspaper.....	27	64
Of ordinances in book or pamphlet form.....	27	65
Proof of.....	27	65
Of ordinance for construction of sidewalk.....	82	260
PUNISHMENT.		
LAWS.		
Of persons violating ordinances.....	85	267
Q.		
QUARANTINE.		
LAWS.		
Jurisdiction of council to enforce regulations.....	13	44
QUORUM.		
LAWS.		
Of city council, what constitutes.....	13	36
R.		
RAILROADS.		
LAWS.		
Power to change location, grade, etc.....	21	25cl
Power to require fencing.....	21	26cl
When liable for domestic animals.....	21	26cl
Power to require flagmen to be kept.....	21	27cl
To raise or lower tracks to conform to grade.....	21	27cl
To keep open ditches, culverts, etc.....	21	27cl
Tracks of, to be laid in streets only on petition.....	26	90cl
To regulate speed of trains.....	20	21cl

RAILROADS—Continued.	ORDINANCES.	Page.	Section.
Speed of cars regulated.....		223	1
Cars obstructing street. ....		223	2
Locomotive whistle.....		223	3
Railroad crossings and bridges.....		223	4
Notice given to repair culvert, etc.....		223	5
City may build crossing and recover.....		224	6
Flagmen, bars and gates.....		224	7
Lights on cars at night.....		225	8
Penalty for violating ordinance.....		225	9
REAL PROPERTY.	LAWS.		
Right of city to hold.....		6	10
Power to sell and convey. ....		87	1
REBATE OF TAXES.	LAWS.		
When to be allowed.....		77	250
RECONSIDERATION OF VOTE.	LAWS.		
Not to be done at special meeting, unless, etc.....		13	42
On ordinance, when vetoed.....		14	47
RECORDS.	LAWS.		
Canvass of election returns to be entered on.....		4	3
City clerk to keep, of proceedings.....		32	81
Copies of, certified by clerk, to be evidence.....		32	81
	ORDINANCES.		
To be kept by city collector.....		114	7
City engineer to keep, of all transactions.....		117	9
City weighers to keep.....		120	9
Of all city officers open to public inspection.....		199	8
Police officers to keep.....		213	11
RECOVERY OF FINES AND PENALTIES.	LAWS.		
Imprisonment may be had to enforce collection of.....		85	267
Of penalty under one ordinance no defense to other prosecution.....		86	270
	ORDINANCES.		
Officer collecting fines to pay them into treasury.....		219	32
Police magistrate to report.....		219	32
Report of amount collected in labor.....		219	31
REDEMPTIONS.	LAWS.		
From sale on special assessments.....		56	158
RELIGIOUS ASSEMBLIES.	ORDINANCES.		
Punishment for disturbing .....		175	6

REMOVAL.	Page.	Section.
Of officers from city to vacate office .....	200	10
RENDERIES. ( <i>See</i> Slaughter House.)		
LAWS.		
Power to regulate.....	25	81cl
ORDINANCES.		
Permit must be obtained for.....	192	12
Application for permit to be made to council.....	192	14
Permit may be revoked.....	193	15
REPEAL.		
Effect of repealing a repealing ordinance.....	202	4
REPORTS OF COMMITTEES.		
LAWS.		
To be deferred on request of two members.....	13	43
ORDINANCES.		
By committee on license.....	164	2
Shall report in writing.....	231	20cl
Shall be filed and preserved.....	231	20cl
To be deferred till next meeting on request of two aldermen present.....	231	21cl
Every proposition to expend money to be referred and reported on before action.....	231	34cl
REPORTS REQUIRED.		
LAWS.		
From mayor on removing officer.....	9	20
Of fees received by officer.....	33	86
Of city treasurer.....	36	95
Of city collector.....	38	101
Of city comptroller.....	38	104
ORDINANCES.		
Commissioner of health to make report.....	154	17
Physicians to report pestilential disease.....	152	8
Chief of fire department to make.....	146	34
City engineer to make monthly reports.....	117	11
City engineer to make report of railroad violations.....	118	15
Poundkeeper to make .....	105	18
Of city marshal.....	212	7
Of police magistrate.....	219	32
RESIN.		
LAWS.		
Power to regulate storage of.....	24	65cl
ORDINANCES.		
Not to boil, except in secure building.....	143	21
RESISTING OFFICER.		
Punishment for.....	220	34

RESOLUTIONS.	LAWS.	Page.	Section.
Prior, in force until, etc.....		6	11
When, to take effect.....		27	64
Name of alderman offering, to be entered with it.....		231	17cl
RIOTS.	LAWS.		
Power to prevent and suppress.....		25	72cl
ROLLER SKATES. ( <i>See Skating Rinks.</i> )			
RULES OF CITY COUNCIL.			
For rules of city council, <i>see</i> .....		226	
RULES OF CONSTRUCTION.			
Of city ordinances.....		202	7
RUNNERS. ( <i>See Porters and Runners.</i> )			
	LAWS.		
Power to license and regulate.....		22	43cl

## S.

SALARIES.	LAWS.		
Of mayor not to be changed during term.....		33	84
Of aldermen not to be changed during term.....		33	85
Of aldermen not to exceed three dollars per meeting .....		33	85
Of other officers, when fixed, not to be changed.....		33	86
Of city officers, except aldermen, may be fixed in annual appropriation ordinance.....		76	244
Not to be increased or diminished during term.. .....		76	244
	ORDINANCES.		
Mayor's salary.....		134	1
Aldermen.....		135	2
Corporation counsel.....		135	3
City attorney.....		135	4
City treasurer.....		135	5
City clerk.....		135	6
City engineer.....		135	7
Marshal and police.....		135	8
Members of fire department.....		135	9
City collector.....		135	10

SALOONS. (*See Liquor and Liquor Dealers.*)

SCALES. (*See City Weighers.*)

SCAFFOLDS. (*See Nuisance.*)

SCAVENGERS.	ORDINANCES.		
Must obtain permit from commissioner of health.....		154	15
Must make report to commissioner of health.....		154	16

SCAVENGERS—Continued.	Page.	Section.
Foul or offensive matter removed, to be disinfected.....	191	10
Carts of, to be closed tightly.....	192	11
SCHOOLS AND SCHOOL BELLS.		
LAWS.		
Two-thirds vote of aldermen required to sell school property .....	13	41
ORDINANCE.		
Ring of bells prohibited between certain hours.....	187	71
SEAL.		
LAWS.		
Power of city to adopt and change.....	6	10
City clerk to keep.....	32	81
Certified copies of papers under.....	32	81
ORDINANCES.		
City seal, shape, and words thereon.....	232	1
All official documents to be under city .....	232	2
Must be attested by signature of clerk.....	232	2
SEARCH WARRANT.		
When may issue, how .....	215	16
SECOND-HAND DEALERS.		
LAWS.		
Power to tax, license and regulate.....	27	95cl
ORDINANCES.		
Definition of .....	232	1
License required.....	233	2
Mayor to grant license to second-hand dealers.....	233	3
License to expire, when.....	233	4
May be revoked by mayor.....	233	4
Book of purchases to be kept.....	233	5
Penalty for failing to keep book of purchases.....	233	5
Book of purchases open to inspection.....	234	6
Agents and clerks of, liable as principal .....	234	7
Right to revoke license of.....	234	8
SEWERS AND DRAINS.		
LAWS.		
Power to construct and keep in repair.....	21	29cl
Power to regulate, etc.....	23	57cl
Power to compel cleaning of.....	25	84cl
Power to construct, through railroad land.....	26	89
May levy tax for extension of.....	78	253
May construct drains, etc., by special tax.....	86	1
ORDINANCES.		
All, declared local improvements.....	235	1
Division of city into sewer districts.....	235	2
Must conform to Warring's specifications.....	240	3
Manner of constructing, with reference to laterals.....	240	4

SEWERS AND DRAINS—Continued.	Page.	Section.
To be in center of street or alley, except.....	240	5
Construction of house connections.....	240	6
Engineer to keep plats showing location of.....	241	7
Private connections to be made by licensed plumber .....	241	8
Application to be made to engineer to make house connection.....	241	9
Engineer to grant permits.....	242	10
Private sewers—bond—inspection of.....	242	11
Manner of opening trenches—notice.....	242	12
All private connections to be made under engineer's orders .....	243	13
Uncovering or tampering with.....	244	14
No opening for storm water or garbage allowed.....	244	15
No excavations to be made around.....	244	16
License to excavate around, required.....	244	17
Engineer to have access to private house to inspect.....	244	18
Connections must have fixtures for water supply.....	245	19
When no engineer, acting engineer to act.....	245	20
Penalty for violating ordinance.....	245	21
Engineer to prepare blanks for.....	245	22
Heavy weights over, not allowed.....	245	23
Flushing—obstructions in.....	246	24
Committee on, to have control of.....	229	13a
SHOWS. (See Amusements. LAWS.		
Power to license and regulate.....	22	41cl
ORDINANCES.		
Classification of.....	95	1
License required.....	96	2
License fee .....	96	3
SIDEWALKS. LAWS.		
Power to lay out and establish.....	19	7cl
Power to regulate use of.....	20	14cl
Power to regulate traffic and sales upon .....	20	20cl
Owner of lot may build and relieve lot from assessment for .....	49	134
May be built by special taxation.....	81	259
What ordinance for, shall provide.....	82	260
In case owner neglects to construct.....	82	261
Special tax, duty of clerk, report.....	83	262
General tax officer to obtain judgment for special tax.....	84	263
When constructed by owner of lot .....	84	264
ORDINANCES.		
Leaving open trap-door in, a nuisance.....	191	9
Width of .....	246	1
Grades for, engineer to give.....	247	2
Laying contrary to established grade.....	247	3

## SIDEWALKS—Continued.

Page. Section.

Pavements to be uniform in width and in line.....	247	4
Pavements out of line.....	247	5
Out of line or grade a nuisance .....	248	6
Old and unsafe, a nuisance .....	248	7
To be of brick or stone .....	248	8
Private drains across.....	248	9
Cellar ways, etc., in, forbidden.....	248	10
Cellars and areas under .....	248	11
Using, for areas without permit.....	248	12
Entrance to area ways, under.....	250	13
Coal holes under.....	250	14
Hitching posts, rings.....	250	15
Awnings over.....	251	16
Merchandise on.....	251	17
Signs along, how adjusted.....	251	17
Signs to be securely supported.....	252	18
Creaking signs, a nuisance.....	252	19
Delivering or receiving goods on.....	252	20
Driving animals or wagons on.....	252	21
Permitting water to run over.....	253	22
Hitching teams so as to obstruct.....	253	23
Gates opening over street or.....	253	24
Obstructions on, or to.....	253	25
Crowds obstructing.....	253	26
Removal of obstructions on.....	253	27
Riding bicycles, etc., on.....	254	28

## SIGNS.

## LAWS.

Power to regulate.....	20	17cl
Power to prevent flying, across streets.....	20	19cl

## ORDINANCES.

Creaking, a nuisance.....	252	19
Over sidewalk to be seven feet above grade .....	251	17
To be securely supported.....	252	18

## SKATING RINKS.

License required for.....	25	1
Amount of license.....	225	2
Clerk to issue license.....	225	4
Mayor may revoke license for.....	225	5

## SLAUGHTER HOUSES.

## LAWS.

Power to regulate.....	25	81cl
------------------------	----	------

## ORDINANCES.

Must have a permit to erect.....	192	12
Operating, in offensive manner, a nuisance.....	192	13
Application for permit to be made to council.....	192	14



SLAUGHTER HOUSES—Continued.	Page.	Section.
Time permit for, shall run.....	193	15

## SOAP FACTORIES.

## LAWS.

Power to direct location of, and to regulate.....	25	81
---	----	----

## ORDINANCES.

Operating, in offensive manner, a nuisance.....	192	13
Permit must be had for .....	192	12
Application for permit to be made to council.....	192	14
Time permit shall run.....	193	15

## SPECIAL ASSESSMENTS.

## LAWS.

Special assessment funds to be kept separate.....	37	99
Power to make local improvement by.....	45	116
Ordinance for improvement.....	45	117
When property is to be taken.....	45	118
Petition for compensation for damages.....	45	119
Form of petition.....	46	120
Summons, publication, etc.....	46	121
Hearing on petition—jury .....	46	122
Jury to ascertain compensation.....	46	123
Jury to view premises, ownership.....	47	124
Judgment, new parties, other proceedings.....	47	125
Powers of court.....	47	126
Ownership, further powers of court.....	47	127
Persons under disability.....	48	128
Judgment, effect, appeal, etc.....	48	129
Order for possession .....	48	130
When improvement made.....	49	131
When made by special taxation.. ..	49	132
How made .....	49	133
Ordinance for, sidewalks, etc.....	49	134
Estimate of costs .....	49	135
Order for proceedings in court.....	50	136
Petition to court.....	50	137
Appointment of commissioners .....	50	138
Oath of commissioners .....	50	138
Duties of commissioners.....	50	139
Assessment roll.....	51	140
To be returned to court, when.....	51	140
Notice by mail, posting and publication.....	51	141
Proof of notice.....	52	142
Continuance when notice not in time .....	52	143
Objections—judgment by default.....	52	144
Hearing—jury .....	53	145
Precedence .....	53	146

SPECIAL ASSESSMENTS—Continued.		Page.	Section.
Court may modify.....	53	147	
Judgment several, appeal.....	53	148	
Judgment to be certified to the city collector .....	53	149	
Form of warrant .....	54	150	
Collector's notice—form of .....	54	151	
Manner of collection .....	54	152	
Penalty for failure to give notice .....	55	152	
Report of delinquent list .....	55	153	
Application for judgment.....	55	154	
Return of sales—redemptions.....	56	155	
Penalty where tax paid and lot returned delinquent.....	56	156	
Paying over, compensation.....	56	157	
General revenue laws apply .....	56	158	
City or village may buy in for.....	57	159	
When assessment set aside .....	57	160	
Supplemental assessments.....	57	161	
New assessments against delinquents .....	57	162	
Contracts payable from assessments .....	58	163	
How contracts let—approval .....	58	164	
Lien of special assessments .....	58	165	
Collection of special assessments by suit.....	58	166	
Supplemental petition to assess.....	59	167	
Any city may adopt special tax article .....	60	168	
Special taxes may be divided into installments.....	60	168a	
May be paid before maturity—interest .....	61	168b	
When by installments—ordinance.....	61	168c	
Assessment roll, what to contain .....	62	168d	
Notice, what to contain.....	62	168e	
Order of confirmation .....	62	168f	
Warrant for collection.....	62	168g	
Proceedings for judgment.....	62	168h	
Payment for improvements done, vouchers.....	62	168i	
What vouchers shall contain .....	63	168i	
Person accepting vouchers.....	63	168j	
Surplus remaining, notice .....	63	168k	
Special assessment, when city may advance to pay damages.....	64	168l	
When collected by installments.....	64	168m	
May build sidewalks by .....	81	259	
What ordinance must provide .....	82	260	
May construct drains, ditches, dykes, &c.....	86	1	
May lay out pleasure driveways by.....	89	2	
Clerk to report to general officer, delinquent .....	83	262	
ORDINANCES.			
City collector to collect.....	113	1	

SPECIAL ASSESSMENTS—Continued.	Page.	Section.
City collector authorized to receive.....	113	4
Delinquent tax to be returned to county collector.....	114	6
SPECIAL ELECTIONS.		
LAWS.		
Power to call .....	18	60
When there is a failure to elect.....	18	61
ORDINANCES.		
May be ordered at any time .....	127	3
SPECIAL POLICE. (See Police Department.)		
SPECIAL TAXES. (See Special Assessments.)		
STAGNANT WATER.		
A nuisance .....	193	16
STEAM BOILERS.		
LAWS.		
Power to provide for inspection of.....	24	67cl
May provide for licensing persons in charge of.....	89	1
May provide for examination of engineers of .....	90	2
ORDINANCES.		
Manner of setting under fire ordinance .....	141	14
STOVES AND STOVE PIPES.		
LAWS.		
Power to prevent dangerous construction of.....	24	63cl
ORDINANCES.		
Manner of putting up pipes.....	140	12
To be securely protected by zinc, etc .....	141	12
In shops where shavings are.....	142	16
STORAGE.		
LAWS.		
Power to regulate the storage of combustibles.....	24	65
ORDINANCE.		
Not to store over twenty-five pounds gunpowder.....	146	30
STREETS AND ALLEYS.		
LAWS.		
Powers of city council over.....	19	7-13cl
Power to regulate the flying of flags, etc., across.....	20	19cl
Power to regulate traffic upon.....	20	20cl
Power to name and to change name of.....	21	23cl
Power to regulate use of by street railways.....	21	24cl
Power to extend over or across railroad lands .....	26	89cl
Power to authorize laying of railroad tracks in.....	26	90cl
Council, by ordinance may require on.....	29	71
Labor and commutation for labor on.....	81	258a
ORDINANCES.		
Trap-doors or gratings in, left open, a nuisance.....	191	9
Obstructions to, forbidden.....	255	1
Owner to remove obstructions on notice .....	255	2

STREETS AND ALLEYS—Continued.		Page.	Section.
Engineer to remove obstructions—costs.....	256	3	
Building material in street.....	256	4	
Red lights at piles of building material in.....	256	5	
Railings and lights at excavations.....	256	6	
Cellar doors open in .....	257	7	
Merchandise or fuel on.....	257	8	
Obstructing with teams .....	257	9	
Persons placing obstructions liable for damages .....	257	10	
Building in, not to be repaired.....	258	11	
Removing building through the.....	258	12	
Digging in.....	258	13	
Excavations adjoining, to be guarded.....	258	14	
Excavations in—tearing up sidewalks .....	258	15	
Removing grade or corner stakes.....	259	16	
Removing or selling earth from.....	259	17	
Ashes, rubbish, etc., in.....	259	18	
Fire upon crossings.....	259	19	
Throwing paper, etc., on—dropping litter on.....	260	20	
Stopping teams on crossing.....	260	21	
Feeding or huckstering on public square.....	260	22	
Numbers on buildings.....	260	23	
Decimal system adopted.....	260	24	
Manner of numbering.....	260	25	
Size of numbers, where placed.....	261	26	
Penalty for not numbering.....	261	27	
Numbering on new building.....	261	28	
Throwing dirt on paved streets.....	261	29	
Molesting paved street.....	262	30	
Paved street opened only on permit .....	262	31	
Bond to be given before permit granted.....	262	31	
Penalty for opening, without permit.....	262	31	
STREET CARS.		ORDINANCES.	
Throwing stones at.....	186	62	
Minors climbing on.....	186	63	
Entering, and refusing to pay fare.....	186	64	
Disorderly conduct on.....	186	65	
Obstructing the operation of.....	186	66	
Injuring or defacing.....	186	66	
Refusing to leave track of, when requested to.....	186	66	
STREET LIGHTS.		LAWS.	
Power of council to provide for lighting streets.....	20	11cl	
		ORDINANCES.	
Punishment for lighting or extinguishing.....	183	46	

SUITS.	LAWS.	Page.	Section.
How brought.....		86	270
SUMMONS.	LAWS.		
For violating ordinances.....		28	68
First process shall be.....		85	267
	ORDINANCES.		
Statement of case to be filed.....		217	22
SUNDAY.	LAWS.		
Power to provide by ordinance for observance of.....		24	66
	ORDINANCES.		
Druggist not to sell intoxicants on, except.....		125	4
Dramshops to be kept closed on.....		167	10
Amusements on.....		179	27
Keeping place of business open on.....		179	28
Keeping billiard room, etc., open on,.....		179	26
SUPPLIES.	LAWS.		
For use of city, how furnished.....		26	94cl
	ORDINANCES.		
To be purchased on contract.....		263	1
Requisition to issue for.....		263	2
Who shall purchase—order—bill.....		263	3
Claim for goods not ordered by council.....		263	4
Bill, what to contain.....		263	5
Board of prisoners.....		264	6
SUPERINTENDENT OF POLICE.			
	LAWS.		
Power to regulate and prescribe duties of.....		24	68
SURPLUS.	LAWS.		
Of special assessments to be refunded.....		57	161
T.			
TALLOW CHANDLERIES.	LAWS.		
Power to regulate and direct location of.....		25	81cl
Power to direct cleansing or removal of.....		25	84cl
	ORDINANCES.		
Operating, without permit from city council, a nuisance....		192	12
Operating, in offensive manner.....		192	13
Written application to be made for.....		192	14
Bond for, to be given.....		193	14
TANNERY.	LAWS.		
Power to regulate and direct location of.....		25	81cl
Power to direct cleansing or removal of.....		25	84cl

TARGET SHOOTING. ORDINANCES.		Page.	Section.
Shooting galleries must be licensed.....		99	15
Target not to be set upon street or public ground.....		99	17
TAXES. LAWS.			
Power to levy and collect.....		19	3cl
Power to collect, to pay city indebtedness.....		19	5cl
For judgment and temporary loans.....		35	90
Ordinance for levying—limitation.....		41	111
Manner of collecting.....		43	112
Time of paying over.....		43	113
When levied for particular purpose.....		43	114
To be uniform upon all taxable property .....		43	115
On foreign insurance companies.....		40	110
Regulation for water taxes.....		65	171
Rebate and reduction of.....		77	250
May be rebated in case of loss by fire.....		77	251
Sewerage, water and light taxes.....		78	253
Taxes to be assessed as provided for in Article VIII.....		80	256
Surplus taxes to be apportioned, how.....		80	257
Drawbacks to be in uniform ratio.....		80	258
Special taxes, how collected.....		49	132
TELEGRAPHS AND TELEPHONES.			
ORDINANCES.			
Injuring posts, wires, etc., of.....		182	45
TEMPORARY POLICE. ( <i>See</i> Police Department.)			
THEATRES. ( <i>See</i> Amusements.)			
LAWS.			
Power to license, tax and regulate.....		22	41cl
Power to regulate places of amusement.....		23	58cl
ORDINANCES.			
Chairs not allowed in aisles.....		97	8
Persons not allowed to loiter in hallways.....		97	9
Minors not allowed at variety show where liquor is sold....		97	10
Exits to, hereafter constructed.....		144	27
Exits to, those now constructed.....		145	28
Procedure to enforce.....		145	29
THROWING STONES.			
Punishment for.....		182	41
In parks, prohibited.....		206	13
TIE VOTE. ( <i>See</i> Elections—Mayor.)			
TOWNS. LAWS.			
How incorporated, may become city.....		4	4

TRAP DOORS.		Page.	Section.
Left open on walk or street, a nuisance.....	191		9
TREES.	LAWS.		
Power to plant, on streets.....	20		8cl
	ORDINANCE.		
Hitching horses to ornamental or shade.....	183		48
Hitching horses to, in parks.....	205		12
Injuring, in parks.....	204		5
Posting bills on, in parks.....	206		14
TRESPASS.			
Carrying away fruit, etc.....	183		49
Upon private premises.....	83		50
TRIAL.			
Of prisoner arrested by police officer.....	216		19
Continuance may be granted.....	216		19
TURNKEY. (See City Prison Keeper.)			
TURPENTINE.	LAWS.		
Power to regulate storage of.....	24		65cl
U.			
UNWHOLESOME BUSINESS.	LAWS.		
Power to prohibit.....	25		83
	ORDINANCES.		
Not to be carried on without permit.....	192		12
Operating, in offensive manner, a nuisance.....	192		13
V.			
VACANCY.	LAWS.		
In office of mayor.....	8		15
In office of mayor.....	8		16
In office of alderman.....	12		32
In office of alderman.....	17		54
How filled.....	30		74
	ORDINANCES.		
In office of city engineer, how filled.....	119		20
In judges and clerks of election, how filled.....	128		6
After polls open, how filled.....	128		7
VACATION OF STREETS.	LAWS.		
Power of council to vacate streets, alleys, etc.....	19		7cl
VACCINATION. (See Health Department.)			



VAGRANTS.		LAWS.	Page.	Section.
Power to restrain and punish.....			25	74cl
		ORDINANCES.		
Not allowed to loiter in dramshops.....			167	12
Defined and punished.....			184	58
VEGETABLES.		LAWS.		
Power to regulate sale of.....			23	50cl
		ORDINANCES.		
Displaying, on benches.....			112	6
Inspectors of.....			112	7
VEHICLES.		LAWS.		
Power to regulate speed of.....			20	21cl
Power to license.....			22	24cl
		ORDINANCES.		
Weight of, how ascertained.....			121	10
Driving, over fire hose—penalty.....			148	38
Obstructing street at fire with.....			149	42
Standing in streets.....			184	56
Drivers of, to pass to the right.....			180	33
To be licensed in certain cases.....			264	1
Rate of license.....			264	2
Number of license to be put on. ....			265	3
Persons entitled to license.....			265	4
Bond to be given.....			265	5
Rate allowed for carrying passengers.....			265	6
Penalty for charging excessive rate.....			266	7
Boisterous conduct of driver—obstructing street.....			266	8
Stands for.....			266	9
Police to remove, when obstructing street.....			266	10
False representation by driver of....			267	11
Licensed driver to keep copy of section 6.....			267	12
VETO.		LAWS.		
Of ordinance, or items in.....			14	46
VIADUCT.		LAWS.		
Power to construct .....			21	28cl
VOTE OF COUNCIL.		LAWS.		
Mayor to give casting vote.....			8	19
Two-thirds, required to restore officer.....			9	20
Majority, to pass ordinance.....			13	41
Two-thirds, required to sell city or school property.....			13	41
Two-thirds, required to pass ordinance over veto.....			14	47
Two-thirds, to create or discontinue office.....			29	73
Two-thirds, to order improvement after annual appropriation.....			35	90
Two-thirds, to let contract without advertising.....			58	164

VOTE OF COUNCIL—Continued.		Page.	Section.
Two-thirds, to annex one corporation to another.....	70	196	
Majority, to disconnect territory.....	73	205a	

ORDINANCES.

Majority, required to pass ordinance, etc.....	231	19cl
Yea and nay, to be taken when called for.....	231	18cl
Rules of council not to be suspended, etc., except by majority.....	231	26cl

W.

WARDS.	LAWS.	
--------	-------	--

Council may divide city into.....	15	51
To be compact and population equal.....	15	51
When population increased or new territory added.....	10	30

ORDINANCES.

Boundaries of First ward.....	268	1
Boundaries of Second ward.....	268	1
Boundaries of Third ward.....	268	1
Boundaries of Fourth ward.....	269	1
Boundaries of Fifth ward.....	269	1
Boundaries of Sixth ward.....	270	1
Boundaries of Seventh ward.....	271	1

WARRANTS.	LAWS.	
-----------	-------	--

For violating ordinances.....	28	68
Officers to be commissioned by.....	31	76
Treasurer to keep register of.....	36	95
Treasurer to deliver, to clerk.....	36	95
How drawn for the payment of money.....	37	98
Clerk to have charge of.....	38	104
Form of, for collection of special taxes.....	54	150
Returned with delinquent lists.....	55	153
What to contain when special assessments payable in installments.....	62	168g
For collection of special sidewalk taxes.....	82	261
May issue in first instance for violation of ordinances.....	85	267

ORDINANCES.

Policemen may serve, within city.....	215	15
Search warrants, when may issue.....	215	16
When arrest, need not issue.....	217	23

WATER.	LAWS.	
--------	-------	--

Power of council to provide for purification of, and drainage of ponds on private property.....	22	40cl
Power to provide for supply of.....	65	169
May acquire property for, works.....	65	170

WATER—Continued.		Page.	Section.
May make regulations concerning use of.....	65	171	
May prevent pollution of.....	65	170	
Extent of territorial jurisdiction.....	65	170	
Council may contract for supply of.....	75	242	
Council may fix maximum rates.....	76	243a	
May levy tax for water fund.....	79	254	
Power to prevent the waste of water.....	65	169	
WATER WORKS.			
LAWS.			
Power to acquire property for.....	65	170	
Power to provide for collection of water rents.....	65	171	
May contract with company for water supply.....	75	242	
May fix maximum rates for water rents.....	76	243a	
Circuit court may review rates fixed.....	76	243a	
Tax for, a continuing lien.....	66	171	
Council may appropriate money for, or levy general tax..	66	171	
ORDINANCE.			
Meddling with fire hydrants.....	184	57	
WEIGHTS AND MEASURES.			
LAWS.			
Power to inspect and seal.....	23	55cl	
Power to enforce keeping of.....	23	56cl	
ORDINANCES.			
Scales to be kept adjusted.....	120	5	
Certificate of weight to be given by weigher.....	120	8	
Weight of vehicles, how ascertained.....	121	10	
Altering certificate of weight.....	121	11	
WINDOWS.			
ORDINANCE.			
Of dramshop to be kept so interior can be seen.....	171	26	
WOOD.			
LAWS.			
Power to provide for inspection, etc.....	23	54cl	
WOODEN BUILDINGS. (See Buildings.)			
LAWS.			
Power to prescribe limits within which they shall not be erected or repaired.....	24	62cl	
ORDINANCES.			
Not allowed in fire limits.....	138	4	
Removal of.....	138	5	
Definition of.....	138	6	
Declared a nuisance.....	139	7	
WORKHOUSE.			
LAWS.			
Power to establish and erect.....	24	69cl	
Power to commit offenders to.....	85	267	
Limit of time prisoners may be committed to.....	86	267	

## WORKHOUSE—Continued.

	ORDINANCE.	Page.	Section.
Commitment of persons to.....		218	28
Refusing to work in.....		219	29

## Y.

## YEAR.

## LAWS.

Fiscal, commence at date of annual election or as prescribed by ordinance.....	34	88
--	----	----

## YEAS AND NAYS.

## LAWS.

To be taken on removal of officer.....	9	20
To be taken on passage of ordinance.....	13	41
To be taken in creating liability against city.....	13	41
To be taken at request of any alderman.....	13	41
To be taken on passage of ordinance over veto.....	14	47

## ORDINANCE.

To be taken on passage of ordinance.....	231	18cl
To be taken on creation of liability.....	231	18cl
To be entered on journal.....	231	18cl
Any member may require the.....	231	18cl

## INDEX TO SPECIAL ORDINANCES.

	Page.
C., D. & V. R'y Co. ordinance.....	275
D., U., B. & P. Railroad ordinance.....	276
Danville & Grape Creek Railroad Co.....	279
C. & E. I. R. R. and Grape Creek R. R. Co.....	283
Public Library.....	285
Danville Gas Light Co.....	285
Citizens Street Railway Co.....	287
Merchants Electric Light Co.....	290
Fixing height and location of electric light towers .....	291
Citizens Street R'y Co., second ordinance.....	292
Danville Gas, Electric Light and Street Railway Co.....	295
Jas. R. Kendall Street R'y ordinance.....	302
Jas. R. Kendall gas ordinance.....	309

---

INDEX TO SPECIAL ORDINANCES—Continued.	Page.
Danville Water Co. 2nd ordinance .....	320
Danville Water Co. 3rd ordinance.....	328
Danville Water Co. 4th ordinance .....	329
Danville Water Co. 5th ordinance .....	330
Danville Water Co. 6th ordinance .....	332
Danville Water Co. 7th ordinance .....	333
Danville Water Co. 8th ordinance .....	334
Danville Water Co. 9th ordinance .....	335
Danville Water Co. 10th ordinance .....	337
Central Union Telephone ordinance.....	338
Locating parks.....	340
C. & E. I. R. R. ordinance .....	342
Danville Water Co. 1st ordinance.....	312













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